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# REPORTS OF COMMITTEES

OF THE

# SENATE OF THE UNITED STATES

FOR THE

## FIRST SESSION OF THE FIFTIETH CONGRESS.

## 1887-'88.

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IN TEN VOLUMES.

**Volume 1.**—**Nos.** 1 to 315.
**Volume 2.**—**Nos.** 316 to 660, except No. 507.
**Volume 3.**—**No.** 507, Parts 1 and 2.
**Volume 4.**—**No.** 507, Part 3.
**Volume 5.**—**Nos.** 661 to 1193.
Volume 6.—Nos. 1194 to 1623.
Volume 7.—Nos. 1624 to 1874.
Volume 8.—Nos. 1875 to 2396, except Nos. 2332 and 2373.
Volume 9.—No. 2332, Parts 1, 2, 3.
Volume 10.—No. 2373, Parts 1 and 2.

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WASHINGTON:
GOVERNMENT PRINTING OFFICE,
1888.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 661.

# IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 3898.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3898) granting a pension to James H. Reeve, have examined the same, and report:*

Your committee have examined the facts in this case, and find them fully set forth in the report of the House committee, hereto subjoined, which is hereby adopted as the report of your committee, with the recommendation that the bill do pass.

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By this bill it is sought to place the name of James H. Reeve on the pension roll at the rate of $45 per month, in lieu of the pension he is now receiving.

This soldier was late captain of Company H, and brevet major of the Third New York (Infantry) Volunteers.

On the 14th day of January, 1865, while commanding his regiment and leading it in the assault on Fort Fisher, he had his right leg shot away by a shell from the fort. An operation was performed on the field and the leg amputated below the knee. Owing to the haste of the operators and the inconveniences surrounding them the operation was imperfectly performed. His life was despaired of for several weeks, after which improvement was manifested, and he then submitted to a second operation by which another portion of the bones of his limb was removed. It was more than three years before his wound healed, after which he procured an artificial limb and attempted to wear it. It was then discovered that in removing his limb the surgeons had left one of the bones of greater length than the other, and that this would prevent the use of an artificial limb. After persistent but unsuccessful attempts to secure a limb that he could wear, he, under the advice of Army surgeons, in 1879, returned to the military hospital and submitted to a third amputation of his limb below the knee joint.

From this last operation the limb never successfully healed, but continued very tender, and with a tendency to ulceration. Nevertheless, Major Reeve attempted to have an artificial limb so adjusted that he could wear the same, and to that end has had three limbs made, and has attempted to use them, but unsuccessfully. After the third amputation it was discovered that the knee-joint had been so wrenched and distorted by the shot which carried away the limb and that the stump was thereby in such an abnormal position that any attempt to wear an artificial limb without a fourth amputation, and that above the knee-joint, must prove a failure.

After the third amputation the inflammation and ulceration of the limb continued, and to such an extent that since that time he was compelled to return to the hospital, at which return he had the limb cut open and the bones examined in search of the cause of the trouble.

In December, 1886, his case was referred by the Pension Office to a board of examining surgeons for examination, and their report, now on file in that office, states that the use of an artificial limb is prevented by the abnormal position of the stump and its tendency to ulcerate.

This board, in said report, recommend the allowance of a pension at the rate of $45 per month, being the amount then and still allowed to those who, having a leg amputated above the knee, are unable to wear an artificial limb.

The officers of the Pension Bureau, in passing upon the application for such allowance, conceded that the disability in this case was fully as great as in the case of those whose limbs were amputated above the knee and so near the body as to prevent the use of an artificial limb, but felt compelled to confine their ruling within the letter of the law, which requires the amputation to be above the knee to entitle an applicant to the rate of $45 per month.

The same facts, so far as they at that time existed in relation to Captain Reeve's disability, were brought before the Forty-sixth Congress, and that body, recognizing the justice of his claim, passed an act granting him an increase of pension at the rate of $24 per month, which was the rate then allowed by law to pensioners who had lost a leg above the knee-joint.

Under the general act of March 3, 1886, and the subsequent general act of August 4, 1886, the rate of pensioners suffering from his disability was increased, by the first act named to $30 per month, by the second to $36 per month, and he is now receiving the last-named sum.

By the same legislation which increased the rate of those whose limbs are amputated below the knee, the rate of those who have lost a leg above the knee and who can not wear an artificial limb because of the shortness of the stump or for other reasons, has been increased from $24, the rate they had been receiving, to $45, the rate they are now receiving. Their right to receive this rate does not depend upon any unhealed condition of their limbs, or any suffering or expense consequent thereon, but upon the sole condition that they are unable to wear an artificial limb and have lost a leg above the knee-joint.

This soldier suffers this disability as completely as any of his fellow-soldiers who are receiving the higher rate. In addition, it may be stated the records of but few of them will exhibit such a history of past and present suffering on account of wounds received in the service.

The evidence before your committee shows that for some time past Major Reeve's limb has continued to grow worse, causing him continuous suffering, and subjecting him to very considerable expense in its treatment, and that, under advice of the army surgeons, he has again gone to the army hospital for further treatment.

Your committee recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 662.

# IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1687.]

*The Committee on Pensions, to whom was referred the bill (S. 1687) to restore J. Rock Williamson to the pension roll, have examined the same, and report:*

The claimant was enrolled in Company G, One hundred and fifth Illinois Volunteer Infantry, August 12, 1862, and was discharged June 7, 1865. The records of the War Department show that he received a wound of shoulder in action at Averasboro, N. C., March 16, 1865.

Claimant was pensioned at the rate of $4 per month from June 8, 1865, on account of gunshot wound of left shoulder and resulting weakness of arm. His name was dropped from the pension roll June 13, 1887, disability having ceased.

The testimony in the case is as follows: In his application for pension claimant states that while in the line of duty at the battle of Bentonville, N. C., he was struck by a musket ball from the enemy in the left shoulder, causing paralysis of the same and permanent disability. In his application for increase of pension, filed September 16, 1882, claimant alleges paralysis of muscles of left arm. In his application filed May 8, 1884, claimant states that the disability for which he is already pensioned has increased; that he has atrophy of the muscles of his arms, legs, and chest, increased weakness of his left arm, and general debility from the shrinking of the muscular system and nervous debility; that he is easily fatigued and has lassitude of body. In a subsequent affidavit claimant states that he contracted rheumatism in July, 1864, and incurred a gunshot wound in the shoulder at the battle of Averasboro, N. C., March 16, 1865, resulting in disease of heart, from which he has suffered to the present time, and that he is consequently unfit for manual labor to any considerable extent; that he applied for a pension on account of disabilities other than that for which he was pensioned; that instead of allowing his pension for disabilities as claimed, his name was dropped from the roll.

Lieut. Col. Everell F. Dutton, of One hundred and fifth Regiment Illinois Volunteer Infantry, testifies from personal knowledge that claimant received a gunshot wound in left shoulder at the battle of Averasboro, N. C., March 16, 1865, causing paralysis, which continued during the remainder of claimant's term of service and afterwards.

Charles A. Straun, a comrade, testifies that claimant received a gunshot wound of his shoulder March 16, 1865, and that he contracted rheumatism in 1864; that he complained of disease of heart soon after he was wounded, and that his testimony is from personal knowledge.

Comrade Samuel H. Williamson testifies that claimant received a gunshot wound while in the line of duty at Averasboro, N. C., March 16, 1865, and shortly thereafter was relieved from duty in consequence of disease of heart; that he had previously contracted rheumatism during the Atlanta campaign in July, 1864, and that he was suffering from rheumatism, disease of heart, and gunshot wound, causing weakness of arm, at the date of his discharge from the service, and has continued to so suffer to the present time.

William Brandon, a reputable citizen of Humboldt, Nebr., testifies that he has been acquainted with claimant since 1860; that he was a stout and able-bodied man prior to and at the date of his enlistment into the service; that after claimant's return home from the war he found him suffering from gunshot wound of left shoulder and rheumatism, in consequence of which he has been largely incapacitated for manual labor during the past six years.

Henry Robinson and Loyal M. Dupray, citizens of good repute of Richardson County, Nebr., testify that during the past five years claimant has been subject to spells of dizziness, disqualifying him for manual labor.

Charles A. Smith, of Richardson County, Nebr., testifies that claimant has been partially disabled for manual labor since 1883 by reason of gunshot wound received in the service.

James Marshall, of Richardson County, Nebr., testifies that claimant has been greatly disqualified for manual labor during the past four years, in consequence of gunshot wound received in the service.

William Brandon and Henry C. Robertson, of Richardson County, Nebr., testify that owing to a gunshot wound received in the service, blind staggers, and fainting fits, claimant has been one-half disqualified for manual labor since 1882.

Frederick A. Warner, of Richardson County, Nebr., testifies that claimant is unfit for manual labor by reason of gunshot wound, fainting spells, and blind staggers.

Drs. A. L. Williamson, P. W. Hays, and J. A. Waggoner, of Humboldt, Nebr., whose professional standing and credibility are strongly vouched for, testify that they have personally examined claimant and find him suffering from muscular atrophy of. left shoulder and arm, causing weakness and inability for the performance of much manual labor. Doctors Williamson and Hays further testify that they have treated claimant for several years past for atrophy of the biceps muscle of arm and deltoid muscle of shoulder and the pectoralis major muscle, due to loss of nerve force from gunshot wound of left shoulder, also for partial loss of sensibility of arm and numbness of hand, frequent hemorrhages from the bowels, chronic rheumatism, irregular, intermittent pulse from disease of heart, nervous prostration, and frequent syncopes and dyspepsia, partly due to exposure. Have no interest in the claim.

It is clearly shown by the testimony of claimant's neighbors, who have had good opportunity of observing his physical condition from day to day, and by three eminent physicians who have recently made a personal examination of him, that this claimant has been and is now largely disqualified for manual labor in consequence of a gunshot wound of his left shoulder, and resulting weakness of arm, disabilities for which he was originally pensioned, and on account of which he now seeks restoration.

The board of United States examining surgeons at Lincoln, Nebr., rate claimant for disease of heart and piles, but do not report a ratable disability on account of gunshot wound of left shoulder. The action of

the Bureau of Pensions in dropping claimant's name from the roll is based upon the report of the Lincoln board, as contained in the certificate of examination made March 16, 1887.

The strong and positive nature of the evidence in the claim, from men high in professional standing as physicians and surgeons and from those in daily contact with claimant, in the opinion of your committee warrants a decision the reverse of that reached by the Bureau of Pensions and the committee therefore recommend the passage of the bill.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 663.

IN THE SENATE OF THE UNITED STATES.

MARCH 20, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

# REPORT:

[To accompany letter of the Secretary of War.]

*The Committee on Printing, to whom was referred the above letter and accompanying report, having had the same under consideration, report as follows:*

On December 9, 1886, Senator Mitchell, of Oregon, submitted the following preamble and resolution:

Whereas it is alleged by persons interested in the commerce of the Columbia River that sundry persons engaged in the business of salmon-catching on that river have erected certain structures known as salmon-traps and salmon-wheels, and that sundry other persons engaged in such salmon fisheries on said river have, from time to time during the salmon season, placed salmon gill-nets of large dimensions in the waters of said river at various points and places; and

Whereas it is alleged that said wheels, traps, and gill-nets are obstructions to the commerce of said river and seriously interfere with the navigation thereof: Therefore,

*Resolved*, That the Secretary of War be, and he is hereby, directed, through the proper Engineer Bureau of his Department, to investigate the subject of the salmon fisheries on the Columbia River in the State of Oregon and Washington Territory, the manner in which carried on, whether by gill-nets, traps, or wheels, in what manner the same are placed or used in reference to the navigable waters of said river, and to report to the Senate, at the earliest practicable convenience, whether such traps, wheels, or nets, or any of them, and which class, in any manner and in what respect and to what extent interfere with or obstruct the navigation of said river and its commerce.

This resolution was referred to the Committee on Commerce, which committee made a unanimous report in favor of the same, and the Senate, on January 27, 1887, ordered the investigation to be made. The report of the engineer seems to be full and furnishes the information sought by the resolution of the Senate.

The cost of printing the usual number of the report as estimated by the Public Printer will be $735.

The committee is of the opinion that the report should be printed, and recommend that the usual number be printed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 664.

# IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1047.]

*The Committee on Pensions, to whom was referred the bill (S. 1047) to increase the pension of James A. Underwood, have examined the same and report:*

Claimant enlisted August 20, 1861, in Company B, Eighth Indiana Volunteer Infantry, and was discharged September 14, 1863, on surgeon's certificate of disability, on account of amputation of upper third of left forearm, having been wounded in said arm at Vicksburg, Miss., May 22, 1863. He is now drawing a pension of $30 per month on account of loss of left forearm, chronic diarrhea, and erysipelas. This pension was granted by a special act of Congress taking effect May 9, 1886, and is in lieu of the pension at the rate of $24 per month which he was previously drawing under the general law.

In his application for increase of pension, filed September 15, 1887, claimant alleges piles in addition to the disabilities for which he is already pensioned, and states that his rating is unjustly low, and disproportionate to the degree of his disability.

In a letter dated February 17, 1888, claimant urges the passage of the bill to increase his pension to $45 per month on account of loss of left forearm, chronic diarrhea, and erysipelas; states that the erysipelas is now running sores on the stub of the arm, and the diarrhea has caused fistula in ano; that he has done no manual labor for more than six years, not being able to leave the house for a portion of that time.

The evidence in the case was carefully examined by both houses of Congress prior to granting the pension of $30 per month, and the facts then warranted no higher rating than was given to claimant. Since that time no further evidence has been furnished showing an increase of claimant's disabilities.

The committee therefore report adversely.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 665.

# IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1074.]

*The Committee on Pensions, to whom was referred the bill (S. 1074) for the relief of J. W. McMillan, have examined the same, and report:*

Claimant enlisted in Company G, Twenty-fourth Michigan Volunteer Infantry, July 24, 1862, and was discharged November 30, 1864, on surgeon's certificate of disability on account of amputation of right thigh, having been wounded at the battle of Gettysburgh, Pa., July 1, 1863.

He is now an inmate of the Soldiers' Home near Milwaukee, Wis., and is pensioned at the rate of $36 per month.

Application for an increase of pension was rejected June 27, 1887, on the ground that the pensioner is in receipt of the highest rate to which he is entitled under the law, the amputation not being so near the hip-joint as to prevent the use of an artificial limb.

Claimant states that he believes himself to be entitled to an increase of pension on account of disease of the stump of his leg, rendering the use of an artificial leg of no benefit or advantage; increase of disability has steadily progressed since first amputation of leg in 1863, a second amputation became necessary in 1866, and that the stump is atrophied and extremely tender, rendering the use of an artificial leg generally impossible, and at any time painful and injurious; that he is desirous of leaving the Soldiers' Home near Milwaukee, because it is overcrowded, and not a desirable place for men in so bad condition as he is.

Dr. Francis X. Spranger certifies that on or about June 20, 1866, he and Dr. J. A. Abertson assisted Dr. E. H. Drake in amputating several inches of claimant's right thigh; that said amputation was made necessary by reason of imperfect healing of the stump after operation performed in the army hospital; that Dr. Drake, who performed the operation on claimant, has been dead for a number of years.

Dr. John E. McIlvain, assistant surgeon of Soldiers' Home near Milwaukee, certifies that claimant has been under his care and treatment during the past seven years, and has suffered from imperfect healing of the stump of his right leg; that he is also afflicted with rheumatism, partially disabling his right arm; that his general health is considerably impaired, rendering action or continued effort in business impossible.

It is shown by the proofs in the case, as before stated, that the imperfect healing of the right thigh from the amputation renders it both painful and injurious for claimant to wear an artificial limb, and he is consequently in as bad condition as a man who is unable to wear one at all.

Your committee therefore recommend the passage of the bill with the following amendment: In line 7, before the word "dollars," strike out the word "fifty" and insert the words "forty-five."

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 666.

IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1266.]

*The Committee on Pensions, to whom was referred the bill (S. 1266) granting a pension to Shelton Flaningam, have examined the same, and report:*

Claimant enlisted in Company D, First Nebraska Volunteer Infantry (subsequently cavalry), June 15, 1861, and was discharged August 26, 1864; re-enlisted in Company H, Forty-first Missouri Volunteer Infantry, September 11, 1864, and was discharged July 11, 1865. Surgeon-General's report shows him admitted to general hospital, Jefferson Barracks, near Saint Louis, Mo., October 20, 1862, with injury to back. His application is for pension on account of chronic diarrhea, contracted from exposure incident to the service in Missouri and Arkansas from 1861 to 1864.

Claimant states that he can not furnish the testimony of the surgeon or assistant surgeon of his regiment who first treated him for chronic diarrhea in the service, for the reason that they are both dead; that he was treated for his said disability at Government Hospital, at Jefferson Barracks, near Saint Louis, Mo.; was also treated at Western Medical Institute, Saint Louis, Mo., for chronic diarrhea during several months in 1872; that since his discharge from the service in August, 1864, he has resided at different places in Missouri, Indiana, and Nebraska, and his occupation has been that of a farm laborer; that during the past two years he has been disqualified for manual labor fully one half of the time; that he first contracted chronic diarrhea at Pittsburgh Landing, after the battle of Shiloh, in 1862; that his regiment was badly exposed to wet weather for more than two weeks; that he drove a mule team during the winter of 1862–'63, and was greatly exposed to all kinds of weather, and was without proper shelter; that he suffered severely from the cold, and was frequently compelled to wear wet clothing; that he received treatment while in the service from Assistant Surgeon N. B. Larsh, now a resident of Nebraska City, Nebr.; that he has suffered from no acute disease since the date of his discharge from the service; that he has been able to do no heavy work at any time, and that his disability is greater in the summer season; that he is now suffering with disease of liver and kidneys, resulting from chronic diarrhea, and that he has periodic attacks of diarrhea at different seasons of the year; that he is not now accessible to any evidence further than that already furnished by him.

William Ott, a comrade, testifies that claimant contracted chronic diarrhea in southwestern Tennessee from the use of bad water in the fall of 1862; that the whole regiment suffered greatly from the same disease.

Dr. N. B. Larsh, late assistant surgeon First Nebraska Volunteer Infantry, testifies that he treated claimant while in the service in 1863 and 1864 for chronic diarrhea, and that claimant is suffering from the same disability.

Special Examiner H. J. Brown, of the Bureau of Pensions, states that Dr. Larsh is president of the board of examining surgeons at Nebraska City, Nebr., and is a first-class physician and citizen; that the said doctor states that he treated claimant soon after his discharge from the service; that claimant was all broken down, and still suffers from chronic diarrhea.

David Beasley, of Nebraska City, Nebr., testifies that claimant was a sound and healthy man for five years prior to and at the date of his enlistment into the service of the United States; that from the fall of 1864 to 1880 affiant heard from claimant by letters, and in that way learned that he was suffering from chronic diarrhea; that since 1880 he has had personal knowledge of claimant's disability on account of chronic diarrhea.

The board of United States examining surgeons at Nebraska City, Nebr., state that they have personal knowledge that claimant has sufferred from chronic diarrhea for many years.

The facts in the case warrant favorable action, and your committee therefore recommend the passage of the bill.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 667.

# IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1122.]

*The Committee on Pensions, to whom was referred the bill (S. 1122) granting an increase of pension to William Collinsworth, have examined the same, and report:*

Claimant is now pensioned at the rate of $6 per month on account of gunshot wound of right leg. Claim for increase of pension on account of injury of left hip, side, shoulder, and testicle was rejected January 12, 1886, on the ground that the records of the War Department did not show the existence of said disabilities in the service; that no evidence was on file showing treatment for said disabilities, and that the claimant had declared his inability to furnish satisfactory evidence to establish the claim.

The records of the War Department show that claimant was enrolled August 16, 1862, in Company G, One hundred and eleventh Illinois Volunteer Infantry, and was honorably discharged June 6, 1865; that he was admitted to regimental hospital November 17, 1863, with acute diarrhea; was admitted to general field hospital, Fifteenth Army Corps, Marietta, Ga., August 15, 1864, with pleuro-pneumonia.

In his application for increase of pension, filed October 2, 1871, claimant states that his disabilities are such that he believes himself entitled to a higher rating on account of a fracture of his right leg below the knee. In his declaration filed January 28, 1882, claimant asks for an increase of pension on account of his original disability and additional pension on account of injury extending across the small of back and left shoulder. In declaration filed June 20, 1884, claimant states that he believes himself to be entitled to an increase of pension on account of increase of disability for which he is already pensioned, as well as an injury received at the same date in the left side, and shoulder, and testicle, caused by a limb falling and striking him; said limb was cut from a tree by a cannon-ball at the battle of Resaca, Ga., May 14, 1863; that the disability for which he is already pensioned was received at the same time, and under the same circumstances; that his left testicle is enlarged to almost four times its normal size.

In a letter filed July 7, 1885, claimant states that for good reasons, which he will give, he believes that he is unable to furnish testimony of his regimental surgeon; that he was wounded about 7 o'clock in the evening, and that it was about midnight before he was carried to the surgeon, who was attending fifteen or twenty other wounded men; that the surgeon briefly examined *him, remarking* that there was no

broken bone, and advised him to wait as patiently as possible, as there were other men whose wounds were more severe than his own; that the surgeon came to him again about daylight, and while dressing his wound received an order to follow the regiment immediately; that he was placed in an ambulance and taken to the field hospital, where he was treated by an unknown man; that he was afterwards sent to convalescent camp, where he was so cruelly treated that he begged to be allowed to follow his regiment, which request was granted by the surgeon in charge; that owing to his disabilities he was detailed to drive a wagon.

In a letter to Mr. Townshend, of Illinois, under date of December 21, 1886, claimant states that he gave three boys to the service, all of whom are now dead, and that he is now old and crippled from the effects of disabilities received in the service; has a family of dependent girls, with no means of support save the small pittance of $6 per month allowed by the Government; that he sends the affidavits of two comrades, showing that his disabilities were incurred in the service.

Ira A. Maddox, a comrade, testifies that claimant was wounded at the battle of Resaca, Ga., May 15, 1864, by a limb striking him in the left side, right leg, and left testicle; that two ribs of the left side were broken, and claimant was disabled for duty during the remainder of his service.

George W. Birge, a comrade, testifies that while claimant was engaged with the enemy, under General Joseph E. Johnston, on or about May 15 or 16, 1864, at Resaca, Ga., he was wounded in the left side by the limb of a tree, having been shot off by a cannon ball, breaking two of his ribs of left side, and fracturing his right leg; and that the said disabilities have continued to the present time.

J. G. Topping, a comrade, testifies that claimant was struck by a falling limb at the battle of Resaca, Ga., on or about May 14, 1864, injuring the small of his back, right leg, and left shoulder, disabling him for military duty; that his testimony is based upon personal knowledge. He reiterates these statements in a letter to the Bureau of Pensions, under date of May 24, 1885.

Franklin Baldwin, a comrade, testifies that claimant was injured in the small of his back by a limb shot off by a cannon ball, at Resaca, Ga., May 14, 1864.

In a letter dated May 23, 1885, comrade Baldwin states that claimant was wounded across the small of his back, in his testicle, and right leg, and that he is suffering from said disabilities at the present time.

J. J. Chambers, of Centralia, Ill., testifies that he has been intimately acquainted with claimant and his circumstances ever since the date of his discharge from the service; that he has suffered continuously on account of injury of his back and left testicle, and that he is now entirely unfit for manual labor in consequence of said disabilities.

William B. Johnson, of Centralia, Ill., testifies that claimant has been constantly disabled for manual labor by reason of disease of back and left testicle.

Dr. E. B. Marshall, of Centralia, Ill., testifies that he has been acquainted with claimant ever since the date of his discharge from the service; that claimant is now seventy-one years of age, of good moral character, and is in feeble health, suffering from hydrocele of left side, eczema of right leg, and has often recurrent pain in left chest, much aggravated by increased momentum, supposed to have originated in a fracture of the sixth rib, nearest spinal articulation, with incomplete union, totally disabling him for manual labor.

Dr. R. H. Scott, of Centralia, Ill., testifies that claimant has consulted him at various times since 1865, and that the said claimant has disease of testicle and leg and internal injury of chest, totally disabling him at times for manual labor.

Dr. W. Scott Marshall, of Centralia, Ill., under date of February 23, 1886, testifies that he has been acquainted with claimant from the date of his discharge from the service to the present time; that an examination made this date (February 23, 1886) finds him with a bunch or small tumor on his back, and hydrocele of left scrotum, totally disabling him for manual labor.

A petition from S. G. Burdick, C. C. Estes, E. Probst, G. W. Welden, P. K. Watts, J. W. Dickerson, E. P. Lapham, and one hundred other comrades of Wallace Post, No. 55, Grand Army of the Republic, Centralia, Ill., recites that claimant's three sons, upon whom he depended entirely, are now dead; that they were all in the service, never drew any pension, and died from wounds and diseases incurred in the service of the United States; that claimant is now an old man and disabled by wounds and diseases contracted in the service, so that he is now physically disabled for manual labor; that the small pension of $6 per month is in no way proportionate to his disabilities, and that he has often to be assisted by his comrades and fellow citizens; that he is a worthy man and has given enough to his country to warrant better treatment.

The board of United States examining surgeons at Vandalia, Ill., by whom claimant was last examined, May 21, 1884, rated him at $10 per month for disability of right leg and left testicle.

Favorable action is warranted from the facts in the case, and the committee therefore recommend the passage of the bill.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 668.

# IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1888.—Ordered to be printed.

Mr. PASCO, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill S. 1083.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1083) for the erection of a public building at Tallahassee, Fla., have had the same under consideration and respectfully report it back favorably, with an amendment in the fourth line, inserting, after "purchase," "acquire by condemnation or otherwise provide."

The committee have had before them certain papers and communications relating to this subject, forwarded for their consideration by the Supervising Architect of the Treasury Department, from which the following extracts are made.

The following is taken from a communication from Hon. D. W. Gwynn, postmaster at Tallahassee:

In response to the inquiry as to the needs of a public building in Tallahassee, I would reply:

(1) We require a floor space or surface for the post-office of about 2,000 square feet, in a safe building, well lighted and ventilated, with protection against fire, which can not be had at this time in Tallahassee, the one now in use being badly lighted and without proper protection against fire and burglars.

(2) The surveyor-general needs 1,500 square feet floor surface for his office, with safe and convenient space and protection against fire for the safe-keeping of the Spanish archives and other valuable papers and records of his office.

(3) The requirements for the United States court, which meets here annually, is a court-room about 40 by 60 feet; two jury rooms, an office for the clerk, with fire protection for the valuable papers which have been accumulating in this division for more than a half century, and for which there is now no proper place provided for their security. The district attorney and marshal should also have offices in the building.

(4) The deputy United States internal-revenue collector also needs a room for the transaction of his official duties. The large and greatly increasing transient population, together with the increasing permanent population of the city, induced by the genial southern climate, as well as the State capital located at this point and the addition of two railroads, now in course of construction, renders it very necessary that we should have a suitable public building for a post-office, court-house, surveyor-general's office, and internal-revenue collector's office here, as they have at all other State capitals where these various Federal offices are located. I send herewith letters from the surveyor-general, clerk, and deputy collector, in corroboration of this statement.

Respectfully,

D. W. GWYNN,
*Postmaster.*

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE, DISTRICT OF FLORIDA,
*Tallahassee, Fla., February* 7, 1888.

DEAR SIR: In reply to your inquiry as to what space my office now occupies, would say it has a floor surface of 432 square feet, and is sufficient for the present business of the office.

Yours, respectfully,

FRANK WELLER,
*Deputy Collector.*

Judge D. W. GWYNN,
*Postmaster.*

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TALLAHASSEE, FLA., *February* 9, 1888.

DEAR SIR: In response to your request for information as to requirements of room for the accommodation of the United States courts at this place and in reply would say that we require a court room, say 40 by 60 feet, with several smaller rooms of about 20 feet square for the purpose of jury rooms and offices for the judge, district attorney, clerk, and marshal.

The records are at present stored in such places as to be very insecure against fire or other damage.

Very respectfully,

LE RAY D. BALL, *Clerk.*

Hon. D. W. GWYNN.

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TALLAHASSEE, FLA., *March* 13, 1888.

DEAR SIR: In answer to your inquiries as to the room required in a public building by the United States courts at this place would say that they require a court room, jury rooms, and rooms for its officers. I have in my charge the records of the court since its institution, and also those of the court formerly held at Apalachicola. As the Government does not allow office rent here, there are, by the courtesy of an attorney, stored in his office and in danger of loss by fire and otherwise. On account of its location being 200 miles to the nearest place of holding court on the west (Pensacola) and 166 miles on the east (Jacksonville) it will always be necessary to hold courts at this place and its business will naturally increase.

Truly yours,

LE RAY H. BALL,
*Clerk United States Courts.*

Hon D. W. GWYNN.

The following further communication, addressed to a member of the committee by the postmaster at Tallahassee, has also been considered.

TALLAHASSEE, FLA., *March* 17, 1888.

DEAR SIR: In reply to your inquiry, I would say that the amount of receipts at this office for months of January and February of present year amounts to $7,130.05, which indicates a business of six times this amount, or $42,780.30 per annum, and the gross receipt from sales of stamps, envelopes, etc., are about $5,000 per annum. This office is also charged with the duty of receiving and distributing all mail-bags for the State.

Respectfully,

D. W. GWYNN,
*Postmaster.*

Hon. S. PASCO,
*United States Senate.*

The committee further submit the following letter from Hon. W. D. Bloxham, United States surveyor-general at Tallahassee, addressed to a member of the committee, which has also received consideration:

OFFICE UNITED STATES SURVEYOR-GENERAL
FOR THE DISTRICT OF FLORIDA,
*Tallahassee, March* 16, 1888.

MY DEAR SENATOR: In connection with your appreciated efforts to secure a public building for Tallahassee (one of the few State capitals without one), I beg leave to call your attention to the needs of this office.

We use about 1,500 feet of floor surface; that is, square feet. But the great and urgent need is for a building where the records be better protected from fire. These records are of great value. The original plats and field-notes of every acre of land that has been surveyed in Florida are here. There are calls daily for copies of them, as the only authoritative mode of settling land lines and boundaries between individual owners. Their destruction would lead to endless confusion and expensive litigation.

Aside from these original field-notes and plats, we have here all the old original Spanish archives relating to Spanish grants, etc., that there are no duplicates or copies of. Vast and valuable estates have to be governed in their limits by these records. Their destruction would be an irreparable loss that money could not restore.

I am allowed by the Department $1,000 per year for contingent expenses, such as office rent, stationery, fuel, etc. But no building suitable to secure these records against the contingency of fire can be rented here for anything like the amount authorized by the Department.

Hoping that you may succeed in securing this very necessary building, I remain

Most truly yours,

W. D. BLOXHAM.

Hon. S. PASCO,
*United States Senate, Washington, D. C.*

O

TH CONGRESS, 1st Session. } SENATE. { REPORT No. 669.

IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, submitted the following

# REPORT:

[To accompany bill S. 2311.]

*The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2311) for the relief of Heman D. Walbridge and Reginald Fendall, trustees, have examined the same, and report:*

This bill provides for the payment of accrued rent of the post-office at Mount Pleasrnt, Iowa, included between the dates of July 1, 1885, and June 30, 1888.

There being no suitable building for a post-office in Mount Pleasant, Iowa, Col. George B. Corkhill, now deceased, proposed to erect one, and to finish the first story with a view to the accommodation of the Government. A special agent was sent out to examine the plans, and in his report recommended the acceptance of Colonel Corkhill's proposition.

The building was begun and finished in July, 1872. The Government took possession of it, and entered into a lease with Colonel Corkhill for ten years.

During the running of the lease, Colonel Corkhill went to considerable expense, putting in extra boxes, and making other alterations to meet the demands of the increasing business of the office, as required by the Post-Office Department. The Government continued in possession and paid rent up to November, 1884.

In the mean time Colonel Corkhill's wife became the owner of the property upon an anti-nuptial marriage settlement between the parties, and died, leaving a will of which Heman D. Walbridge, of Toledo, Ohio, and Reginald Fendall, of Washington, D. C., are the executors.

In 1884 the Post-Office Department determined to make a new lease, and after some extensive and expensive alterations and improvements required by the Postmaster-General, after first making a personal inspection, the Department re-leased the property, contracting with the trustees at an annual rental of $750, payable quarterly.

The trustees made the improvements to the satisfaction of the Postmaster-General and the postmaster at Mount Pleasant, at an expense of over $800, and the Government paid the rent under this lease up to July 1, 1885, since when no rent has been paid, the then postmaster at Mount Pleasant having been instructed by the Postmaster-General to "withhold rent until further notice."

The trustees were advised that the reason for this action was explained by the fact that the salary of the postmaster at Mount Pleasant

was reduced to $1,900, or $100 less than the salary required for second-class offices. Although the current business of the office had considerably increased, the reduction in postage had temporarily reduced the actual income.

The Government is now in possession of the office, holding under the new lease, and enjoying all the conveniences furnished by the trustees as required by the Postmaster-General.

The Post-Office Department has never rescinded the order of July, 1885, directing the postmaster to withhold the rent, nor made any other provision for its payment.

The trustees are the representatives of orphan children, and the failure of the Government to pay this rent deprives them of the means of support and education.

The cost of the improvements required by the Postmaster-General was taken from funds belonging to the children; hence there is a double hardship in keeping from them the accumulated rent, which on the 1st of January, 1888, amounted to the sum of $1,875.

The committee do not understand that the equities of the claim are questioned by the Post-Office Department, but that the present complication is due to the change in the classification of the office. It is beyond the power of the Postmaster-General, under the law, to pay it, and were it otherwise he has not the money to do it.

In the opinion of the committee it is a clear case for legislative interposition. The Government leased the property, has occupied it under its lease, is in possession of it now. It does not appear that on suspension of the payment of the rent there was any disposition to surrender the property. On the contrary it was fitted up for the accommodation of the Government as required by one of its highest officials; it retains possession because it is desirable to do so. No question of disagreement has ever arisen between the parties. There is no denial of the claim; no pretended offset. All the inconvenience and delay is due to the change in the classification of the office, an event which could not have been foreseen by either of the parties.

Since the post-office at Mount Pleasant has again become a second-class office the Department recognizes its obligation to pay the rent under the lease.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 670.

# IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1888.—Ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill H. R. 2365.]

*The Committee on Claims, to whom was referred bill (H. R. 2365), entitled "A bill for the relief of William P. Thorne," have examined the same, and beg leave to report as follows:*

The Committee on Claims of the present House of Representatives, to whom the said House bill 2365 was referred, have reported the same favorably, and have adopted the statement of facts and the views thereon which had been presented to the House of Representatives by its Committee on Claims during the first session of the Forty-ninth Congress, when such last committee had this case under consideration, and favorably reported the same. In our view, such statement of facts and views of the case are fully sustained by the evidence. We, therefore, report back such bill with a recommendation that it do pass, and do hereto subjoin the report of the House Committee of the Forty-ninth Congress as the basis of such recommendation.

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[House Report, Forty-ninth Congress.]

It appears from the papers transmitted to the committee by the Attorney-General that William P. Thorne, a lawyer, residing in Henry County, Ky., was employed to defend a civil action instituted in the circuit court of Henry County against one A. J. Harrington, a deputy United States marshal, and also a criminal indictment against Harrington; that the services were able, successful, and reasonably worth $1,000; that they were rendered in the face of public odium, and at the risk of personal popularity.

The case was: Harrington levied an execution, issued from the clerk's office of the Federal court against one Rowland H. Thomas, on a drove of cattle which was claimed by Cynthia Thomas; Cynthia Thomas sued Harrington for trespass, and he was also indicted. Mr. Thorne successfully defended both actions, in one of which there were three trials and a change of venue.

His employment, his services, and their value are clearly established. But his claim was rejected by the Department, as was explained by Attorney-General Brewster in a letter of December 29, 1884, from which we insert this extract:

"You were not commissioned by the Department. There is no evidence that you took the oath as special counsel. Sections 365 and 366 of the Revised Statutes require the commission to issue the oath to be taken, and subsequently that the Department shall certify that the appointment was made, the oath taken, and that the services performed would not have been performed by an officer of this Department or the district attorney. Without such certificate from the Attorney-General, the accounting officers of the Treasury will not state your account and consider it.

"Very respectfully,

"BENJAMIN HARRIS BREWSTER,
"*Attorney-General.*"

These are purely technical reasons, which do not affect the real merits of the claim. It is a just claim, and ought to be paid.

We append hereto the letter of Judge Bland Ballard, who has since died, and the affidavits of General Murray and Colonel Burns:

LOUISVILLE, *April* 2, 1873.

WILLIAM P. THORNE,
*Eminence, Ky.:*

A. J. Harrington, one of the officers of my court, is in some trouble in your county for an alleged seizure and sale of some property they claim was not subject. Please make such proper legal defense for him as you think best, and I will see that the United States pays you for your services.

Mr. Harrington will be there in person and give you a full history of the case. From what he tells me I am apprehensive the stock sold by him was not liable for the debt.

But we desire you to make such defense as in your judgment will uphold the dignity and process of the court. A judgment against the United States marshal in your county, at this particular time, when they are being intimidated by a class of lawless people, would be prejudicial to the usefulness of this tribunal in Kentucky, and I enjoin it upon you to make a bold defense for him, and when you come to the city call and see Colonel Wharton, the United States attorney, who will take great pleasure in giving you such aid and counsel as you may require upon the point of a removal of the case from the State to United States court.

Sincerely,

BLAND BALLARD.

STATE OF KENTUCKY,
*County of Jefferson, ss:*

Personally appeared Eli H. Murray, ex-United States marshal of Kentucky, and Col. Thomas C. Burns, present marshal, and each say that from what we know of said cases against the deputy marshal, in the Henry circuit court, and the defense made for him, and towards upholding the dignity and process of the United States court by W. P. Thorne, his attorney, we believe a fee of $500 reasonable and just; we further say that such services were necessary and were all that the United States could have expected or wished, and rendered at a time when it was not safe for an officer of this court to go out into the country to attend any sort of official business.

ELI H. MURRAY,
*Ex-United States Marshal of Kentucky.*
THOMAS C. BURNS,
*Marshal.*

Sworn and subscribed to before me this 19th day of December, 1879.

AUSTIN BALLARD,
*Clerk United States Court.*
By SAMUEL CRAILLE,
*Deputy Clerk.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 671.

# IN THE SENATE OF THE UNITED STATES.

MARCH 19, 1888.—Ordered to be printed.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill H. R. 1712.]

*The Committee on Public Buildings and Grounds, to whom was referred House bill 1712, submit the following report:*

This bill has passed the House of Representatives at the present session of Congress. It was reported to the House by the Committee on Public Buildings and Grounds of that body. The report of that committee, which is hereby adopted, is as follows:

Portsmouth is situated on the Ohio River, at the mouth of the rich Scioto valley. It is 100 miles from Columbus and about the same distance from Cincinnati. There is no public building for the transaction of the business of the General Government nearer than these points. It has a commanding position on the Ohio River, and a large portion of southern Ohio, of eastern Kentucky, and of West Virginia is, in a business point of view, tributary to the city. North of it lies the famous Scioto valley, rich in its soil and products, and in the enterprise and thrift of its citizens. This valley is the natural thoroughfare, by rail and canal, from southern Ohio to the central and northern portions of the State. The city stands on the border of the great coal and iron fields of the Hanging Rock region, and is in easy access to the rich coal and iron belts immediately across the Ohio River, extending through northeastern Kentucky. Thus situated in the Ohio valley, Portsmouth is the center of a fertile region, rich in iron, coal, stone, fire-clay, timber, etc., to all of which it is easily accessible, and from which flows to it a large and steady stream of trade and commerce.

### COMMERCIAL IMPORTANCE.

The sales of general merchandise by Portsmouth merchants of goods not manufactured there exceed in amount the sum of $5,000,000 per annum, while the amount of wares manufactured at the various factories within the city and in its environs will reach a still greater amount, showing that the annual commerce of Portsmouth is more than $10,000,000. The goods manufactured in Portsmouth consist of manufactured iron, steam-engines, stoves, road-scrapers, steel springs, wagon stock, wagons, buggies, wheelbarrows, railroad-cars, fire-brick, sawed stone, furniture, boots and shoes, paper, soap and candles, brooms, saddles and harness, woolen goods, cooperage, distilled spirits, beer, cigars, etc.

### THE POST-OFFICE.

The post-office is in a small building, crowded and inconvenient, neither affording the postmaster proper accommodations for the prompt and convenient transaction of business nor meeting the wants nor convenience of the public. This post-office distributes letters over numerous routes, sending out and receiving between twenty and thirty mail bags daily. It rents eight hundred and seventy-eight boxes and sells $9,360 worth of stamps annually. As a money-order office it pays out an average of $26,000 per year, and the average net revenue of the office is more than $7,000 per year.

### INTERNAL-REVENUE OFFICE.

The office of the United States internal-revenue collector for the eleventh district of Ohio is located at Portsmouth. During the past twenty years the main office has been located in that city with the exception of four years. This might in a measure be accounted for by the fact that Portsmouth, by its mail facilities and railroad and river connections, is eligibly situated for the frequent and rapid transmission of the public business, but also from the fact that the revenue records show that, with the *exception* of Cincinnati, *Portsmouth has paid more internal-revenue taxes during the period mentioned than any other city in the State.* The revenue district is composed of twenty-five counties, the revenues of which now reach in the neighborhood of $1,000,000 to $1,200,000. During the last revenue year they amounted to $1,058,000. The official records show that the distillery of George Davis & Co., of that city, has paid from the years 1879 to 1885, inclusive, seven years, the sum of $3,108,418.90 as taxes on distilled spirits, making an average of $444,059.98 paid per annum, or about one-third of the revenues collected in the entire district. To this can be added the taxes paid by the brewers, cigar manufacturers, etc., of the city for stamps.

### UNITED STATES COMMISSIONER, ETC.

The office of United States commissioner is considered an important one at that point. In addition to the ordinary duties of such officer, the situation of Portsmouth upon the Ohio River, its large steam-boat and maritime interests, bring to that office much litigation under the marine laws and adds to its importance. In addition to this the river and light-house service, which has grown to be a matter of Government concern, could be greatly accommodated by the construction of a public building at that point.

By act of Congress passed June 16, 1880, Portsmouth was constituted a port of delivery within the collection district of New Orleans, and from estimates made it is evident that there would be not less than $200,000 worth of various goods imported annually, consisting of queensware, leather, books, silk, medical supplies, liquors, cigars, and many other articles, in case proper facilities are offered.

### FACILITIES FOR TRANSPORTATION.

The railroad connections are as follows: The Scioto Valley north to Columbus (connecting there with the great lines east and west) and south to Ashland, Ky., connecting there with the Chesapeake and Ohio Railroad, forming a direct line to Richmond, Va., and the southeast; the Cincinnati, Washington and Baltimore Railroad and its connections north, east, west, and south; the Cincinnati and Eastern, affording a direct connection with Cincinnati. A belt road is now being built which will give unequal facilities to the shipping and manufacturing interests of the city. Good free turnpikes extend in all directions from the city to the county limits, concentrating the trade of the county and largely of the adjoining counties in the city. In addition to this, the Ohio River, that great artery of commerce, affords frequent and cheap means of transportation and exchange. Local daily packets ply from Portsmouth to points above and below, while larger steamers touch the wharf daily, passing and repassing from Cincinnati to points above, to Huntington, Gallipolis, Pomeroy, Wheeling, and Pittsburgh. Portsmouth, it might be added, possesses one of the finest harbors on the Ohio River. In the lowest stage of water the largest steamers, loaded, can float with safety.

### GOVERNMENT RENTS.

The rents now paid by the Government for public offices in Portsmouth, the post-office, revenue, etc., now reach nearly $1,000 per annum. But this rent does not provide such offices or accommodations as the Government should provide or the public welfare demands. The post-office rooms and facilities are not at all adequate to the proper discharge of the postal business. If suitable quarters were provided, as they certainly will be in the near future, even if a public building is not erected, the rents will reach from $1,200 to $1,500 per annum. But even this would not secure the Government records and property from the dangers of fire.

The city has a population of 15,000, and is rapidly increasing each year.

We recommend that the accompanying (substitute for House) bill (1884) do pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No 672.

# IN THE SENATE OF THE UNITED STATES.

MARCH 20, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, submitted the following

## REPORT:

Your committee, to whom was referred the communication from the Postmaster-General of February 29, 1888, which was written in response to a resolution of the Senate of February 24, 1888, in relation to holding public documents for postage that had been franked and deposited in the mail by a United States Senator, respectfully report:

That after careful investigation, and from all evidence obtainable by your committee, they are fully of the opinion that neither the postmaster of the Senate nor any of the employés of the Senate post-office are in any way, manner, or form responsible or chargeable with such detention of public documents.

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SERGEANT-AT-ARMS, UNITED STATES SENATE,
*Washington, March* 16, 1888.

SIR: The inclosed letter and statement from the postmaster of the Senate is hereby respectfully referred to the Committee on Post-Offices and Post-Roads.

The present head of the post-office, United States Senate, has been a very faithful, efficient, and obliging official.

Very respectfully, your obedient servant,

W. P. CANADAY,
*Sergeant-at-Arms.*

Hon. PHILETUS SAWYER,
*Chairman Committee on Post-Offices and Post-Roads.*

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U. S. SENATE POST-OFFICE,
*Washington, March* 16, 1888.

SIR: My attention has been called to the following proceedings of the Senate, which appear on page 2197 of the Congressional Record, under date of March 15, 1888:

"FRANKING OF PUBLIC DOCUMENTS.

"The PRESIDENT *pro tempore*. If there are no further resolutions, the order of morning business is closed.

"Mr. BUTLER. If in order, I should like to have referred to the Committee on Post-Offices and Post-Roads a letter which was addressed by the Postmaster-General to the President of the Senate in response to a resolution which I offered and which was passed on the 24th of last month in regard to the return of public documents to a Senator when his frank had been placed upon them. The Postmaster-General, it seems, replies that upon inquiry of the postmaster of the city of Washington no such action was taken by him, and therefore this act *must have been* done or performed by the postmaster of the *Senate*.

"I find upon reading the regulations of the Department and the law on the subject that there was no authority for such action by the postmaster of the Senate. It is apparently a small matter, and yet one which might subject us to a vast amount of inconvenience. I do not know whether I am under the ban of suspicion by the postmaster of the Senate, or any other other postmaster, of improperly franking public documents; but I do protest that when I have acted in accordance with law the documents I have franked should be allowed to proceed in the mail in the usual course.

"I ask that the letter of the Postmaster-General be referred to the Committee on Post-Offices and Post-Roads, and I trust that committee will give the matter that investigation which the Postmaster-General seems to think is required.

"The PRESIDENT *pro tempore*. The letter will be referred to the Committee on Post-Offices and Post-Roads, if there be no objection. The Chair hears none."

On or about the 15th of February last a bundle of documents which had been franked by Senator Butler and addressed to some post-office in South Carolina upon a plain envelope without "public documents" or the word "free" being printed or written thereon, was returned to me from the city post-office with the words "held for postage" plainly stamped across the face of the address.

Upon receiving this at the Senate post-office I directed my assistant to deliver it to Senator Butler in person, in order that he might fully understand that it was not our office, but the office to which it was directed or the city office which had returned the bundle.

Mr. Crystal, a clerk in the Senate post-office, delivered this bundle to Senator Butler with the explanation which I had directed him to give. The Senator seemed somewhat disturbed and wished us to inquire into the matter and ascertain whether the documents were sent in accordance with law, or whether the word "free" should have appeared thereon.

Thereupon Mr. Kellogg, the assistant postmaster of the Senate, to whom all matters of complaint are referred, addressed a letter to the Postmaster-General, setting forth the case referred to, withholding the name of the Senator, and asking for a ruling thereon.

After waiting a week and no reply being received Mr. Kellogg became informed as to the law and satisfied that the documents had been returned wrongfully. He then took a copy of the letter sent to the Postmaster-General and the statutes bearing on the case to Senator Butler and fully explained to him the whole matter. The Senator seemed satisfied with the explanation and said that he himself would call the attention of the Postmaster-General to this irregularity, and on the 24th of February offered a resolution in the Senate calling on the Postmaster-General for information, in obedience to which the Postmaster-General communicated to the Senate the following reply:

[Senate Ex. Doc. No. 107, Fiftieth Congress, first session.]

*Letter from the Postmaster-General, in response to Senate resolution of February 24, 1888, relative to holding public documents for postage.*

MARCH 5, 1888.—Ordered to be printed and laid upon the table.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
*Washington, D. C., February 29, 1888.*

SIR: In response to the resolution adopted on the 24th instant, directing the Postmaster-General "To inform the Senate under and by virtue of what provisions of law publications franked and deposited in the mail by a United States Senator are returned to that Senator with the information that they have been held for postage," I have the honor to state, that, inasmuch as no specific instance of the return to a United States Senator of such publications so franked and deposited has come to the knowledge of the Department, and as the laws regulating the method of the exercise of the franking privilege are not uniform, it can not be stated with certainty whether some one of the postmasters of the United States, in doing the act stated in the resolution, has kept within the letter of some provision of law or the regulation thereunder, or, misled by the want of uniformity hereinbefore referred to, has acted entirely without authority of law.

In the absence of information as to the circumstances attending the specific instance referred to in the resolution, and after receipt of a report from the postmaster at Washington, called for by me, informing me that no such instance had occurred in his office, I have endeavored to ascertain what instances of erroneous action of postmasters are probable, under the present provisions of law, through which the unseemly and improper act on the part of some postmaster, stated in the resolution, occurred, and which, without prompt attention from this Department, might occur in

the future. The result of my investigation, which I have the honor to submit, will, I trust, be such a compliance with the resolution of the Senate as is within my power.

Of the several provisions of law conferring the privilege of sending mail matter free of charge the following are germane to this inquiry:

"That from and after the passage of this act Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail, free, all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon with the proper designation of the office he holds, and the provisions of this section shall apply to each of the persons named herein until the first Monday of December following the expiration of their respective terms of office." (Act of March 3, 1879, part of sec. 1; 20 Stat., 356; P. L. and R., sec. 409.)

"That from and after the passage of this act the Congressional Record, or any part thereof, or speeches or reports therein contained, shall, under the frank of a Member of Congress or Delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe." (Act of March 3, 1875, part of sec. 5; 18 Stats., 343; P. L. and R., sec. 410.)

"That seeds transmitted by the Commissioner of Agriculture or by any Member of Congress or Delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-Members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as Members and Delegates." Act or March 3, 1875, sec. 7; 18 Stats., 343; P. L. and R., sec. 411.)

Pursuant to the authority above given to prescribe regulations, I find that the following have been adopted by my predecessors:

"No matter can be transported under the franking privilege unless admissible to the mails under the provisions of chapter 11. To entitle to free carriage the word "free" should be printed or written, and signed with the name and official designation, if any, of the person entitled to frank it, on the address face of the package, except in case of matter addressed to the persons named in the preceding sections. In the case of the Congressional Record, the name of the Senator, Member, or Delegate must be written by himself; in other cases the name may be written by any one duly deputed by him for that purpose. A Senator, Member, or Delegate, who holds his certificate of election, is entitled to the franking privilege from the commencement of his term.

"All franked matter may be forwarded like any other, but such matter, when once delivered to the addressee, can not be remailed unless properly franked again. A bulk package of franked articles may be sent to one addressee, who, on receiving and opening the package, may place addresses on the franked articles and remail them for carriage and delivery to the respective addresses." (P. L. and R., sec. 413.)

Where the wrappers or covers indicate that the documents are public documents, or give the name of the documents, as is generally the case, such documents. with the name and official designation of the Senator, Member, Delegate, or official written thereon, should pass free. Such is the requirement of the statute.

Where the wrapper or covering of the document does not disclose the public character of the document, the regulation appears to be intended to require that the word "free" should appear upon the face of the package as a certification that the matter within is free.

As the statutes do not require the name of the Senator or Member to be written by himself, except in the case of Congressional Record or parts thereof, or speeches or reports therein contained, the regulation has been evidently framed to guard against the abuse of the franking privilege by others who may be deputed to use it and may exceed their authority, or by those who may forge the frank to avoid the payment of postage on matter not frankable.

As no statute provides a penalty for the unlawful placing of the name of a Senator, Member, etc., by an unauthorized person upon public documents, or upon matter not entitled to be franked, the regulation appears to have been designed for two purposes; one to require some word to be placed over the signature to bring the unlawful use of such name within the designation of forgery of a certificate for the purpose of defrauding the United States, and the other to insure uniformity in the appearance of the franking formula, so as to avoid mistakes by the average intelligence of many thousand postmasters, resulting in delay to the franked matter itself.

It is possible that the regulation, in its terms, is liable to such construction as to require the word "free" to be printed or written on the face of the cover or public documents mentioned in the act of March 3, 1879, above quoted. To avoid such construction the regulation will be made more explicit, although it was intended to guard against the abuse of the franking privilege by unauthorized persons, and to expedite the mail matter franked, rather than to qualify *or place other* than statutory limitations upon the rights of *those entitled to use it.*

In this connection I respectfully invite attention to the need for legislation which will provide penalties for the unlawful use of the names of Senators, Members, or other officials by unauthorized persons for the purpose of sending matter not frankable, and uniformity in the franking certificate.

The right to send matter in the mails under an official frank has by recent legislation been considerably extended, and opportunity largely increased for the abuse of this privilege. The placing of official names upon public or private matter by others than the officers on whom the right is conferred is easy, difficult of detection by postal officials, and under present statutes not explicitly declared punishable.

Very respectfully,

DON M. DICKINSON,
*Postmaster-General.*

HON. JOHN J. INGALLS,
*President of the Senate.*

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It will be noticed that the Postmaster-General does not say or imply that investigation has shown that the postmaster of the Senate retained these documents.

I will further say that all documents and all mail matter that comes to our office is promptly forwarded, six times a day, to the city post-office, and never held or returned to the sender by our office without having first been sent to the city post-office and rejected by that office.

To the truthfulness of the foregoing statement I court the fullest investigation by you or by the Post-Office Committee.

Respectfully, yours,

W. H. BIGELOW,
*Postmaster, U. S. Senate.*

HON. WILLIAM P. CANADAY,
*Sergeant-at-Arms, U. S. Senate.*

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 673.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. BLACKBURN, from the Committee on Naval Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 4601.]

*The Committee on Naval Affairs, to whom was referred the bill (H. R. 4601) to amend the naval record of Nicholas Leuschen, Peter Leuschen, and Loth Possum, having had the same under consideration, beg leave to submit the following report:*

The committee recommend the passage of this bill, with an amendment, which simply corrects a typographical error, namely: In the second paragraph of the preamble, strike out the word "thirteenth," before "Congressional," and insert "thirtieth." The committee, with this slight change, recommend the passage of the bill, for the reasons set forth in the following report made to the House of Representatives on this subject, which they hereby adopt and make a part of this report:

[House Report No. 676, Fiftieth Congress, first session.]

The petition of Nicholas Leuschen, Peter Leuschen, and Loth Possum represents that they enlisted at Erie, Pa., on the 30th day of July, 1864, as volunteers in the U. S. Navy for three years or during the war. Several days after their enlistment they were examined by Inspecting Surgeon Charles Justice, and mustered into the service by James Cummins, both of whom are now living at Erie, Pa. Subsequently they were put aboard the United States receiving ship *North Carolina*, then lying at the Brooklyn navy-yard.

About the 20th of September of the same year they were transferred to the United States transport *Kensington*, when, for the first time, they discovered that they had been sold as substitutes, which deprived them of their right and standing in the naval service of the United States as volunteers. They reported the discovery at once to the commander of the *North Carolina*, who advised them to do nothing and remain silent until the *Kensington* reached her destination, when he assured them justice would be done them.

Since that time they have made repeated efforts to secure from the Government that recognition which they considered due to them as volunteers; but all their efforts have thus far failed. The Navy Department records show that they were enlisted as substitutes and not as volunteers, and the Department has no authority to correct those records.

The following is an extract from a letter from Hon. William C. Whitney, Secretary of the Navy under date of February 14, 1888:

"In reply I have the honor to state that the records of the Bureau of Equipment and Recruiting show that Nickolas Leuschen, Peter Leuschen, and Loth Possum were enlisted in July, 1864, at Buffalo, N. Y., for three years, as substitutes, and that they were credited as such to the Thirtieth Congressional district of New York. The names of the persons for whom they became substitutes were not reported to the Bureau in connection with their enlistment, and no information appears upon the records of the Department in relation to the alleged deception practiced in their cases, whereby they were enlisted as substitutes *instead of volunteers*. * * * That, as the names

of the persons for whom they became substitutes were not reported to the Bureau of Equipment and Recruiting, the Department is inclined to give due weight to their statements concerning the manner in which their enlistment was procured, and to regard their claims as deserving of favorable consideration."

A number of citizens of Erie, Pa., where the brothers Leuschen reside, certify that they are personally acquainted with them and know them to be men of excellent character and undoubted integrity. Strong Vincent Post, No. 67, and Robert Wainright Scott Post, No. 464, Department of Pennsylvania, Grand Army of the Republic, unite in asking that the records of their service be made to conform to the facts.

The statements contained in the petition have been corroborated by representations made by Hon. W. L. Scott, member of Congress from Erie, Pa., district, who knows the parties named in the bill and was conversant with the facts at the time of their enlistment and the injustice done them. He also knows them to be men of character and integrity.

With the petition, the substance of which has been given above, the affidavits of William Taylor and Charles Justice were filed. The former was the officer who enlisted Nickolas and Peter Leuschen and Loth Possum, and the latter was the inspecting surgeon who examined and passed them. Copies of these affidavits are appended.

The committee are satisfied that these men were the victims of a foul conspiracy, and recommend the passage of the bill.

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STATE OF PENNSYLVANIA, *Erie County, ss:*

Personally appeared before me, an alderman, *ex officio* justice of the peace in and for the city of Erie, Pa., Charles Justice, who, being duly sworn according to law, deposeth and saith that his home is at Erie, Pa.; that he is personally acquainted with Nickolas and Peter Leuschen and Loth Possum, and that he knew them in 1864; that in July, 1864, he was inspecting surgeon at the naval rendezvous at Buffalo, N. Y.; that in that capacity he examined and passed Nickolas and Peter Leuschen and Loth Possum: that at that time he knew that said N. and P. Leuschen and L. Possum had enlisted in the U. S. naval service as volunteers, and that a fraud was being perpetrated upon them at Buffalo, N. Y., and that when he attempted to protest and expostulate he was commanded by his superiors to attend strictly to his own business.

CHARLES JUSTICE.

Sworn and subscribed to before me this 13th day of February, 1888.

DANIEL MCMAHON, [SEAL.]
*Alderman.*

STATE OF PENNSYLVANIA, *Erie County, ss:*

Personally appeared before me, an alderman, *ex officio* justice of the peace in and for the city of Erie, Pa., William Taylor, who, being duly sworn according to law, deposeth and saith that his home is at Erie, Pa.; that he is well acquainted with Nickolas and Peter Leuschen and Loth Possum, and that he knew them in the year 1864; that in the year 1864 he, said William Taylor, was the United States enlisting officer at Erie, Pa., and that in that capacity he enlisted Nickolas and Peter Leuschen and Loth Possum, in the month of July, 1864, as volunteers for the naval service of the United States.

WILLIAM TAYLOR.

Sworn and subscribed to before me this 13th day of February, 1888.

DANIEL MCMAHON, [SEAL.]
*Alderman.*

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 674.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill H. R. 742.]

*The Committee on Claims, to whom was referred the bill (S. 771) for the relief of John F. Cadwallader, have considered the same, and respectfully report:*

This claim was before the Forty-ninth Congress, and favorable reports were made on it from both the Senate and House Committees on Claims.

It appears that when Mr. B. Converse, clerk of the district court for the southern district of Illinois, came into office under appointment dated March 13, 1880; the records of the court for previous years had not been made. Mr. Newcomb, representing himself to be connected with the Department of Justice, stated to the clerk and Judge Treat, judge of the court, that the condition of the records in that office was well known to the Attorney-General and First Comptroller of the Treasury, and that it was their opinion that the clerk might proceed to write up the records, and would be allowed and paid the same as fees for current work.

The clerk thereupon proceeded to write up the records in some of the cases and was allowed and paid his fees therefor. Mr. Cadwallader was deputy clerk, and under the direction of the clerk completed the records in the remaining cases as set forth in the schedule by him submitted. The work was well done. The prices charged are reasonable and no more than is allowed by law for like services. The Attorney-General recommends the payment of the claim. It is not shown why the service of the deputy was not treated as performed by the clerk, and the amount allowed in his account. But the claim is clear and this objection unimportant.

The following letters from the Attorney-General and the Secretary of the Treasury show the nature and justice of the claim.

We recommend the passage of the bill.

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DEPARTMENT OF JUSTICE,
*Washington, April 27,* 1886.

SIR: In answer to your letter of the 23d instant, inclosing Senate bill 2166, for the relief of John F. Cadwallader, in the sum of $462.75, in compensation for services rendered in writing up the back records of the district court of the United States for the southern district of Illinois, you are informed that the correspondence of this Department has been directed to this *end; that the compensation* for Mr. Cadwallader should be *paid by a direct appropriation by Congress.*

There is abundant evidence in the Department that the services were rendered : under the direction of the court were absolutely necessary. The reports of exam ers of thi. Department coincide with this view.

I therefore would respectfully request that the sum mentioned should be appro ated for his relief.

Very respectfully,

A. H. GARLAND,
*Attorney-General*

Hon. GEORGE F. HOAR,
*United States Senate.*

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TREASURY DEPARTMENT, *February* 5, 188

SIR: I have the honor to forward herewith, for the consideration of Congress, c of a communication from the Attorney-General, and its inclosures, in relation to account of John F. Cadwallader, amounting to $462.75, for writing up the back reco in the United States district court for the southern district of Illinois.

Very respectfully,

D. MANNING,
*Secretary*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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DEPARTMENT OF JUSTICE,
*Washington, January* 30, 188

SIR: Inclosed is a copy of a letter from the First Auditor of the Treasury of 27th instant, respecting an account, also inclosed, of John F. Cadwallader, for w ing up the records in the United States district court in the southern district Illinois after October 1, 1883.

The labor performed by Mr. Cadwallader ought to have been performed by the pr ecessor of the present incumbent.

As there is no available appropriation under the control of the Attorney-Gene for the payment of this account, it is transmitted to you to be forwarded to Congr under act approved July 7, 1884 (Stats. at Large, vol. 23, page 254, first paragrap

Very respectfully,

A. H. GARLAND,
*Attorney-Genera*

The SECRETARY OF THE TREASURY.

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TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
*January* 27, 188

SIR: The account of John F. Cadwallader, for "writing back records of the dist court of the United States for the southern district of Illinois," is herewith submit for approval.

If the services had been performed by the clerk of the court and the fees char in his account, they would have been allowed. Mr Cadwallader is not the cle and I know of no authority to warrant the allowance to him. If he was author by your Department, or its agent, the account should be approved by you, and appropriation from which it is to be paid should be designated.

Very respectfully,

JAS. Q. CHENOWETH,
*Audito*

Hon. A. H. GARLAND,
*Attorney-General*

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[Office of clerk district court United States, southern district of Illinois.]

SPRINGFIELD, *December* 21, 188

SIR: In response to your letter of the 4th instant (H. H. J. W. G.), I have the ho to forward herewith the account of John F. Cadwallader, of compensation due l for services in writing back record of this court, amounting to $462.75, together w

a certified copy of the orders of court approving same, affidavits of the district attorney and myself, and a statement from the Hon. Samuel H. Treat, judge of said court, in reference thereto.

Hoping that this may receive early attention, and that the most feasible plan to secure payment may be adopted,

I am, very respectfully, yours, etc.

M. B. CONVERSE,
*Clerk.*

The ATTORNEY-GENERAL,
*Washington, D. C.*

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*The United States of America in account with John F. Cadwallader, Dr.*

To services rendered from October 1 to December 20, 1883, inclusive, in writing back record of the district court of the United States for the southern district of Illinois, as follows, to wit:

| | |
|---|---|
| 1. Case No. 1397. The United States *vs.* Albert Lange; violation of revenue law; plea guilty, February 1, 1870; writing judgment record, 14 folios, at 15 cents | $2.10 |
| 2. Case No. 967. The United States *vs.* Elizabeth Cole; suit to recover pension fraudulently obtained by defendant; judgment for defendant, February 8, 1870; writing judgment record, 14 folios, at 15 cents | 2.10 |
| 3. Case No. 1330. The United States *vs.* 5 Gallons Whisky; libel in forfeiture under revenue law; decree of forfeiture, February 25, 1870; writing judgment record, 28 folios, at 15 cents | 4.20 |
| 4. Case No. 1420. The United States *vs.* Peter Good; violation revenue law; plea guilty, February 19, 1870; writing judgment record, 23 folios, at 15 cents | 3.45 |
| 5. Case No. 1016. The United States *vs.* Distillery, etc., of John Lowry; libel in forfeiture under revenue law; tried by court; libel not sustained, March 5, 1870; writing judgment record, 66 folios, at 15 cents. | 9.90 |
| 6. Case No. 1323. The United States *vs.* 40 Gallons Whisky; libel in forfeiture under revenue law; decree of forfeiture, April 4, 1870; writing judgment record, 30 folios, at 15 cents | 4.50 |
| 7. Case No. 1324. The United States *vs.* 12 Boxes Tobacco, 60 pounds each; libel in forfeiture under revenue law; decree of condemnation, April 4, 1870; writing judgment record, 30 folios, at 15 cents | 5.25 |
| 8. Case No. 1327. The United States *vs.* Property of George and William Isaacs; libel in forfeiture under revenue law; decree of forfeiture, April 4, 1870; writing judgment record, 37 folios, at 15 cents | 5.55 |
| 9. Case No. 1328. The United States *vs.* Tobacco, property of Kahn & Waggener; libel in forfeiture under revenue law; decree of forfeiture, April 4, 1870; writing judgment record, 34 folios, at 15 cents | 5.10 |
| 10. Case No. 977. The United States *vs.* Parley L. Howlett *et al.;* suit on distiller's transportation bond; judgment for United States, February 17, 1868; writing judgment record, 112 folios, at 15 cents. | 16.80 |
| 11. Case No. 1322. The United States *vs.* 2 Kegs of Whisky (10 gallons each); libel in forfeiture under revenue law; decree of forfeiture, June 6, 1870; writing judgment record, 31 folios, at 15 cents | 4.65 |
| 12. Case No. 1451. The United States *vs.* 1 Cask (6 gallons) Whisky; libel in forfeiture under revenue law; decree of forfeiture, June 6, 1870; writing judgment record, 26 folios, at 15 cents | 3.90 |
| 13. Case No. 1452. The United States *vs.* 4 Casks Whisky (about 40 gallons each); libel in forfeiture under revenue law; decree of forfeiture, June 6, 1870; writing judgment record, 32 folios, at 15 cents | 4.80 |
| 14. Case No. 1200. The United States *vs.* 1 Cask Brandy; libel in forfeiture under revenue law; decree of forfeiture, June 7, 1870; writing judgment record, 37 folios, at 15 cents | 5.55 |
| 15. Case No. 1192. The United States *vs.* William Hankins; violation naturalization laws; jury trial; verdict not guilty, June 11, 1870; writing judgment record, 62 folios, at 15 cents | 9.30 |
| 16. Case No. 1410. The United States *vs.* Adolph Bochan and Sampson Kingsbaker; violation of revenue law; jury trial; verdict not guilty, June 13, 1870; writing judgment record, 31 folios, at 15 cents | 4.65 |
| 17. Case No. 1461. The United States *vs.* James Whalen; violation revenue law; plea guilty, June 13, 1870; writing judgment record, 16 folios, at 15 cents | 2 40 |
| 18. Case No. 1462. The United States *vs.* Samuel Foster; violation revenue law; plea guilty, June 13, 1870; writing judgment record, 19 folios, at 15 cents | 2.85 |

19. Case No. 1463. The United States *vs.* Jacob King; violation revenue law; plea guilty, June 13, 1870; writing judgment record, 16 folios, at 15 cents .....
20. Case No. 1415. The United States *vs.* Edward C. Gray; forgery of paymaster's check; jury trial; verdict not guilty, June 17, 1870; writing judgment record, 25 folios, at 15 cents .....
21. Case No. 1414. The United States *vs.* Edward Prince; forgery of indorsement on paymaster's check; jury trial; verdict not guilty, June 18, 1870; writing judgment record, 19 folios, at 15 cents .....
22. Case No. 1263. The United States *vs.* Thomas D. McKee; suit to recover bounty improperly received by defendant; judgment for United States, June 20, 1870; writing judgment record, 11 folios, at 15 cents.....
23. Case No. 1202. The United States *vs.* Andrew Woolcott *et al.*; suit on cigar manufacturer's bond; judgment for United States, June 23, 1870; writing judgment record 35 folios, at 15 cents.....
24. Case No. 1345. The United States *vs.* George Hoffner *et al.*; suit on bond of cigar manufacturer; judgment for United States, June 23, 1870; writing judgment record, 35 folios, at 15 cents .....
25. Case No. 1465. The United States *vs.* Austin W. Owens; violation revenue law; tried by court; finding for defendant, June 23, 1870; writing judgment record, 8 folios, at 15 cents.....
26. Case No. 1265. The United States *vs.* Francis A. Allison; suit to recover penalty for fraudulently obtaining money on pay and bounty certificate; judgement for United States, June 28, 1870; writing judgment record, 24 folios, at 15 cents .....
27. Case No. 1482. The United States *vs.* Frederick G. Wilson; violation of revenue law; plea guilty, June 28, 1870; writing judgment record, 12 folios, at 15 cents.....
28. Case No. 1191. The United States *vs.* James C. Brady: violation of naturalization laws; jury trial; verdict not guilty, June 29, 1870; writing judgment record, 90 folios, at 15 cents.....
29. Case No. 1457. The United States *vs.* Distillery, etc., of Charles McCoy; libel in forfeiture under revenue law; decree of forfeiture, July 4, 1870; writing judgment record, 47 folios, at 15 cents .....
30. Case No. 1458. The United States *vs.* Brewery Property of Philip Schermer; libel for forfeiture under revenue law; decree of forfeiture, July 4, 1870; writing judgment record, 52 folios, at 15 cents .....
31. Case No. 1469. The United States *vs.* Addison Hickox; suit to recover penalty for violation revenue law; judgment for defendant, July 6, 1870; writing judgment record, 12 folios, at 15 cents .....
32. Case No. 1470. The United States *vs.* Addison Hickox; suit to recover penalty for violation revenue laws; judgment for defendant, July 9, 1870; writing judgment record, 12 folios, at 15 cents.....
33. Case No. 1471. The United States *vs.* Addison Hickox; suit to recover penalty for violation revenue law; judgment for defendant, July 9, 1870; writing judgment record, 12 folios, at 15 cents. .....
34. Case No. 1472. The United States *vs.* Addison Hickox; suit to recover penalty for violation revenue law; judgment for defendant, July 9, 1870; writing judgment record, 12 folios, at 15 cents.....
35. Case No. 1473. The United States *vs.* Addison Hickox; suit to recover penalty for violation revenue law; judgment for United States, July 9, 1870; writing judgment record, 14 folios, at 15 cents.....
36. Case No. 1005. The United States *vs.* Dominick Mulholland; violation revenue law; judgment for United States, July 3, 1868; writing judgment record, 37 folios, at 15 cents.....
37. Case No. 1301. The United States *vs.* John Perkins and Eleazer B. Miller; forfeiture of recognizance; judgment for the United States, January 10, 1871; writing judgment record, 26 folios, at 15 cents.....
38. Case No. 1493. The United States *vs.* W. W. Carter; passing counterfeit money; jury trial; verdict not guilty, January 10, 1871; writing judgment record, 14 folios, at 15 cents.....
39. Case No. 1353. The United States *vs.* Henry Mitchell; violating revenue law; jury trial; verdict not guilty, January 11, 1871; writing judgment record, 23 folios, at 15 cents.....
40. Case No. 1460. The United States *vs.* Robert F. Murray *et al.*; suit on distiller's bond; judgment for United States, January 19, 1871; writing judgment record, 95 folios, at 15 cents.....
41. Case No. 1556. The United States *vs.* Thomas Miller *et al.*; violation revenue law; judgment for United States, January 19, 1871; writing judgment record, 47 folios, at 15 cents.....

42. Case No. 1522. The United States *vs.* Distillery of C. W. Morris; libel in forfeiture under revenue law; decree of forfeiture, January 19, 1871; writing judgment record, 75 folios, at 15 cents ..... $11.25
43. Case No. 1529. The United States *vs.* Distillery, etc., of Michael Siglear; libel in forfeiture under revenue law; decree of forfeiture January 21, 1871; writing judgment record, 60 folios, at 15 cents ..... 9.00
44. Case No. 1568. The United States *vs.* John H. Stephens; having in possession counterfeit money; jury trial; verdict not guilty, January 28, 1871; writing judgment record, 16 folios, at 15 cents ..... 2.40
45. Case No. 1480. The United States *vs.* James McKee; passing counterfeit money; jury trial; verdict not guilty, January 31, 1871; writing judgment record, 26 folios, at 15 cents ..... 3.90
46. Case No. 1565. The United States *vs.* Thomas McKinney *et al.*; making counterfeit coin; tried by jury; verdict, guilty, February 8, 1871; writing judgment record, 21 folios, at 15 cents ..... 3.15
47. Case No. 1558. The United States *vs.* Charles R. Richardson; suit to recover penalty for violation of revenue law; judgment for United States, February 15, 1871; writing judgment record, 13 folios, at 15 cents ..... 1.95
48. Case No. 1496. The United States *vs.* Henry J. Noyes *et al.*; suit to recover amount of promissory note made by defendants upon compromise for violation revenue law; judgment for United States, February 20, 1871; writing judgment record, 33 folios, at 15 cents ..... 4.95
49. Case No. 1302. The United States *vs.* William Barnett *et al.*; forfeiture of recognizance; judgment for United States, February 22, 1871; writing judgment record, 39 folios, at 15 cents ..... 4.35
50. Case No. 1305. The United States *vs.* Alonzo F. Stewart; forfeiture of recognizance; judgment for United States, February 22, 1871; writing judgment record, 27 folios, at 15 cents ..... 4.05
51. Case No. 5160. The United States *vs.* Benedict Stocker *et al.*; suit on cigar-manufacturer's bond; judgment for United States, February 13, 1871; writing judgment record, 26 folios, at 15 cents ..... 3.90
52. Case No. 1561. The United States *vs.* Augustus Golsch *et al.*; suit on cigar-manufacturer's bond; judgment for United States, March 1, 1871; writing judgment record, 33 folios, at 15 cents ..... 4.95
53. Case No. 1564. The United States *vs.* Martin Seisner *et al.*; suit on cigar-manufacturer's bond; judgment for United States, March 1, 1871; writing judgment record, 28 folios, at 15 cents ..... 4.20
54. Case No. 1552. The United States *vs.* Antoine Pauley; violation revenue law; plea guilty, March 3, 1871; writing judgment record, 13 folios, at 15 cents ..... 1.95
55. Case No. 1571. The United States *vs.* Charles Sartwell; passing counterfeit coin; jury trial; verdict guilty; sentence March 3, 1871; writing judgment record, 12 folios, at 15 cents ..... 1.80
56. Case No. 1567. The United States *vs.* Distillery, etc., of William Wood; libel in forfeiture under revenue law; decree of forfeiture March 6, 1871; writing judgment record, 55 folios, at 15 cents ..... 8.25
57. Case No. 1633. The United States *vs.* Martin Freiner; violation revenue law; plea guilty, April 21, 1871; writing judgment record, 10 folios, at 15 cents ..... 1.50
58. Case No. 1634. The United States *vs.* David Davis; violation revenue law; plea guilty, April 21, 1861; writing judgment record, 9 folios, at 15 cents ..... 1.35
59. Case No. 1635. The United States *vs.* Francis M. Miles; violation revenue law; plea guilty, April 21, 1871; writing judgment record, 9 folios, at 15 cents ..... 1.35
60. Case No. 1636. The United States *vs.* Henry A. Bergman; violation revenue law; plea guilty, April 21, 1871; writing judgment record, 11 folios, at 15 cents ..... 1.65
61. Case No. 1637. The United States *vs.* Henry Speckman & Henry Schlange; violation revenue law; plea guilty, April 22, 1871; writing judgment record, 10 folios, at 15 cents ..... 1.50
62. Case No. 1639. The United States *vs.* 1,200 cigars; information in forfeiture under revenue law; decree of forfeiture June 6, 1871; writing judgment record, 30 folios, at 15 cents ..... 4.50
63. Case No. 1487. The United States *vs.* John H. McQuown *et al.*; forfeiture of recognizance; judgment for United States June 7, 1871; writing judgment record, 29 folios, at 15 cents ..... 4.35
64. Case No. 1499. The United States *vs.* Andrew J. Barlow *et al.*; forfeiture of recognizance; judgment for United States June 7, 1871; writing judgment record, 21 folios, at 15 cents ..... 3.15

65. Case No. 1500. The United States *vs.* Volier Benton Vance *et al.;* forfeiture of recognizance; judgment for United States June 7, 1871; writing judgment record, 35 folios, at 15 cents ..... $5.25
66. Case No. 1501. The United States *vs.* George Jones; forfeiture of recognizance; judgment for United States June 7, 1871; writing judgment record, 25 folios, at 15 cents ..... 3.65
67. Case No. 1502. The United States *vs.* Joseph P. McCandless; forfeiture of recognizance; judgment for United States June 7, 1871; writing judgment record, 45 folios, at 15 cents ..... 6.75
68. Case No. 1503. The United States *vs.* George House; forfeiture and recognizance; judgment for United States June 7, 1871; writing judgment record, 27 folios, at 15 cents ..... 4.05
69. Case No. 1650. The United States *vs.* Catherine Doran; violation revenue law; plea guilty, June 13, 1871; writing judgment record, 9 folios, at 15 cents ..... 1.35
70. Case No. 1497. The United States *vs.* Augustine Boggiano *et al.;* forfeiture of recognizance; judgment for United States June 15, 1871; writing judgment record, 27 folios, at 15 cents ..... 4.05
71. Case No. 1497. The United States *vs.* Lawrence Fay *et al.;* forfeiture of recognizance; judgment for United States June 15, 1871; writing judgment record, 27 folios, at 15 cents ..... 4.05
72. Case No. 1491. The United States *vs.* John Reynolds; passing counterfeit money; tried by jury, verdict not guilty, June 16, 1871; writing judgment record, 16 folios, at 15 cents ..... 2.40
73. Case No. 1395. The United States *vs.* John Schneider; violation revenue law; plea guilty, June 19, 1871; writing judgment record, 24 folios, at 15 cents ..... 3.60
74. Case No. 1668. The United States *vs.* Samuel Grindel; forgery United States postal money-order; jury trial; verdict not guilty, June 23, 1871; writing judgment record, 11 folios, at 15 cents ..... 1.65
75. Case No. 1679. The United States *vs.* George C. Green *et al.;* violation revenue law; plea guilty, June 30, 1871; writing judgment record, 12 folios, at 15 cents ..... 1.80
76. Case No. 1676. The United States *vs.* John A. Mefford *et al.;* embezzling mail; tried by jury; verdict not guilty, July 7, 1871; writing judgment record, 14 folios at 15 cents ..... 2.10
77. Case No. 1691. The United States *vs.* John O. Pullan; violation revenue law; plea guilty, July 7, 1871; writing judgment record, 13 folios, at 15 cents ..... 1.95
78. Case No. 1670. The United States *vs.* Asgil Connor; suit to recover pay twice drawn as captain Company K, Eighteenth Illinois Infantry; judgment for United States, July 10, 1871; writing judgment record, 20 folios, at 15 cents ..... 3.00
79. Case No. 1682. The United States *vs.* James Cartright; stealing from post-office; jury trial; verdict not guilty, July 11, 1871; writing judgment record, 9 folios, at 15 cents ..... 1.35
80. Case No. 1304. The United States *vs.* Augustine Boggians *et al.;* forfeiture of recognizance; judgment United States, July 13, 1871; writing judgment record, 61 folios, at 15 cents ..... 9.15
81. Case No. 1434. The United States *vs.* John Kellum; passing counterfeit money; jury trial; verdict guilty; sentence, July 13, 1871; writing judgment record, 32 folios, at 15 cents ..... 4.80
82. Case No. 1649. The United States *vs.* Charles Scott; stealing post-office property; jury trial; verdict guilty; sentence, July 13, 1871; writing judgment record, 15 folios, at 15 cents ..... 2.25
83. Case No. 1674. The United States *vs.* Charles Freely; attempting to pass counterfeit money; jury trial; verdict guilty; sentence, July 13, 1871; writing judgment record, 13 folios, at 15 cents ..... 1.95
84. Case No. 1669. The United States *vs.* David W. Gardner; violation revenue law; plea guilty, January 3, 1872; writing judgment record, 10 folios, at 15 cents ..... 1.50
85. Case No. 1676. The United States *vs.* John Upton, sr.; violation revenue law; plea guilty, January 3, 1872; writing judgment record, 8 folios, at 15 cents ..... 1.20
86. Case No. 1666. The United States *vs.* Silas Cheek; suit on bond of collector of internal revenue; judgment for United States January 4, 1872; writing judgment record, 32 folios, at 15 cents ..... 4.80
87. Case No. 1750. The United States *vs.* Daniel Morrisey; violation revenue law; plea guilty, January 6, 1872; writing judgment record, 11 folios, at 15 cents ..... 1.65

88. Case No. 1756. The United States *vs.* Arnold Schroeder; violation revenue law; plea guilty, January 11, 1872; writing judgment record, 9 folios, at 15 cents ..... $1.35
89. Case No. 1757. The United States *vs.* Steven D. Cox; violation revenue law; plea guilty, January 11, 1872; writing judgment record, 9 folios, at 15 cents ..... 1.35
90. Case No. 1687. The United States *vs.* Francis Bostock; violation revenue law; plea guilty, January 16, 1872; writing judgment record, 15 folios, at 15 cents ..... 2.25
91. Case No. 1761. The United States *vs.* Maurice Mitchell; violation revenue law; plea guilty, January 17, 1872; writing judgment record, 10 folios, at 15 cents ..... 1.50
92. Case No. 1764. The United States *vs.* Daniel McHugh; violation revenue law; plea guilty, January 19, 1872; writing judgment record, 10 folios, at 15 cents ..... 1.50
93. Case No. 1641. The United States *vs.* Willard C. Flagg *et al.*; suit on bond of collector of internal revenue; judgment for United States for $15,096.34, February 17, 1872; writing judgment record, 278 folios, at 15 cents ..... 41.70
94. Case No. 1784. The United States *vs.* Timothy M. Lane; violation revenue law; jury trial; verdict not guilty, February 16, 1872; writing judgment record, 8 folios, at 15 cents ..... 1.20
95. Case No. 1548. The United States *vs.* Monroe W. Gay; stealing from mail; jury trial; verdict not guilty, February 3, 1872; writing judgment record, 34 folios, at 15 cents ..... 5.10
96. Case No. 1733. The United States *vs.* Five Caddies Tobacco; libel in forfeiture under revenue law; decree of forfeiture February 5, 1872; writing judgment record, 30 folios, at 15 cents ..... 4.50
97. Case No. 1802. The United States *vs.* Nicholas Balder; violation of revenue law; plea guilty, February 14, 1872; writing judgment record, 15 folios, at 15 cents ..... 2.25
98. Case No. 1696. The United States *vs.* Abdiel T. Risley; suit to recover penalty for violation revenue law; judgment for defendant January 30, 1872; writing jndgment record, 18 folios, at 15 cents ..... 2.70
99. Case No. 1695. The United States *vs.* Abdiel T. Risley; suit to recover penalty for violation of revenue law; judgment for defendant January 30, 1872; writing judgment record, 18 folios, at 15 cents ..... 2.70
100. Case No. 1479. The United States *vs.* John D. Keedy *et al.*; suit on gauger's bond; judgment for United States January 19, 1872; writing judgment record, 30 folios, at 15 cents ..... 4.50
101. Case No. 1759. The United States *vs.* Frank Wolf; violation revenue law; plea guilty, January 19, 1872; writing judgment record, 9 folios, at 15 cents ..... 1.35
102. Case No. 1743. The United States *vs.* James C. Beeler; suit to recover amount overpaid to lieutenant Thirty-first Indiana Infantry and R. Q. M.; judgment for United States January 23, 1872; writing judgment record, 16 folios, at 15 cents ..... 2.40

Vouchers Nos. 1 to 102, inclusive, total ..... 438.90

*The United States of America in account with John F. Cadwallader, Dr.*

To services rendered in the month of November, A. D. 1883, in writing back record of the district court of the United States for the southern district of Illinois in cases pertaining to the Post-Office Department, as follows, to wit:

103. Case No. 1495. The United States *vs.* John D. Straub *et al.*; suit on bond of John D. Straub, late postmaster at Fowler's Station, Ill.; judgment for United States June 13, 1871; writing judgment record, 34 folios, at 15 cents ..... $5.10
104. Case No. 1262. The United States *vs.* Charles W. Houghton *et al.*; suit on bond of Charles W. Houghton late postmaster at Mattoon, Ill.; judgment for United States June 21, 1871; writing judgment record, 85 folios, at 15 cents ..... 12.75
105. Case No. 1476. The United States *vs.* James J. Allen, jr., *et al.*; suit on bond of James J. Allen, jr., late postmaster at Bloomington, Ill.; judgment for United States January 2, 1872; writing judgment record, 40 folios, at 15 cents ..... 6.00

Vouchers Nos. 103 to 105, inclusive, total ..... 23.85

RECAPITULATION.

| | |
|---|---|
| Vouchers Nos. 1 to 102, inclusive | $438.90 |
| Vouchers Nos. 103 to 105, inclusive | 23.85 |
| | 462 75 |

UNITED STATES OF AMERICA,
*Southern District of Illinois, ss:*

John F. Cadwallader, being duly sworn, upon oath says that the foregoing accounts against the United States for writing back record of the district court of the United States for the southern district of Illinois, amounting to the sum of $462.75, are true and correct; that the services therein charged were actually performed as therein stated; and that the same were performed under the direction and supervision of the clerk of said court; and that the amount of said accounts is justly due to him, as he verily believes, and that he has received no compensation for the services charged for in said accounts.

JOHN F. CADWALLADER.

Subscribed and sworn to before me this 18th day of December, A. D. 1885.
[SEAL.] J. A. JONES,
*Clerk of the Circuit Court of the United States for the Southern District of Illinois.*

UNITED STATES OF AMERICA,
*Southern District of Illinois, ss:*

M. B. Converse, being duly sworn, on oath says that he is the clerk of the district court of the United States for said district; that he was appointed such clerk on the 13th day of March, A. D. 1880; that subsequent to his said appointment, and during the year 1880, a Mr. Newcomb, who represents himself as being connected with the Department of Justice, in a conversation had with Hon. James H. Treat, judge of said court, and this deponent, stated that the condition of the records of said court was known to the then Attorney-General and to the First Comptroller of the Treasury, and that it was the opinion of those two officers that deponent, as clerk of said court, might properly proceed to write the back record of said court, charge the lawful fees therefor, which would be allowed and paid the same as fees for current work; that relying upon the statements made by said Newcomb, deponent proceeded to write the judgment record in some of the cases where the United States were the plaintiffs, made a voucher or fee bill in each case where a charge for such service was made, which said fee bill showed upon its face when the case was disposed of, and also in what term and year the record was written; that all charges heretofore made by deponent for such service have been allowed by the accounting officers of the Treasury and have been paid, as he was given to understand, by the said Newcomb, they would be. Deponent further says that he has examined the accounts of John F. Cadwallader for services in writing back record of said court during the period commencing October 1, 1883, and ending December 20, 1883, amounting to $462.75; that the services charged for have been actually and necessarily performed as therein stated, and were performed under the direction of this deponent as clerk of said court; that owing to the lapse of time since the disposition of the cases in which the charges in said accounts were made, the labor involved in preparing court minutes, papers, and files, preparatory writing said record was very great, and that the services rendered are well worth the statutory fees allowed the clerk for like service, which is the amount charged in said accounts.

[SEAL.] M. B. CONVERSE.

Subscribed and sworn to before me this 18th day of December, A. D. 1885.
J. A. JONES,
*Clerk of the Circuit Court of the United States for the Southern District of Illinois.*

In the district court of the United States for the southern district of Illinois, Wednesday, January 16, A. D. 1884, before the Hon. Samuel H. Treat, judge.

Whereas John F. Cadwallader has rendered to this court an account against the United States for services performed by him from October 1 to December 20, A. D. 1883, inclusive, in writing back record of this court, with the items thereof, and in presence of Edward T. Roe, esq., assistant United States attorney, has proved, on oath, to the satisfaction of the court, that the services therein charged have been actually performed as therein stated, and whereas said charges appear to be just and according to law, it is hereby ordered that said account, amounting to $438.90 be, and the same is hereby, approved.

Whereas John F. Cadwallader has rendered to this court an account against the United States for services performed by him in the month of November, A. D. 1883, in writing back record of this court in cases pertaining to the Post-Office Department, with the items thereof, and in presence of Edward T. Roe, esq., assistant United States attorney, has proved, on oath, to the satisfaction of the court, that the services therein charged have been actually performed as therein stated, and whereas said charges appear to be just and according to law, it is hereby ordered that said account, amounting to $23.85, be, and the same is hereby, approved.

THE UNITED STATES OF AMERICA,
*Southern district of Illinois, ss:*

I, M. B. Converse, clerk of the district court of the United States for the southern district of Illinois, do hereby certify the foregoing to be true copies of certain orders made by said court on Wednesday, the 16th day of January, A. D. 1884, approving accounts of John F. Cadwallader for writing back record of said court from October 1 to December 20, A. D. 1883, aggregating the sum of $462.75, as the same now appears from the records of said court in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at my office in the city of Springfield, in said district, this 18th day of December, in the year of our Lord 1885, and of the Independence of the United States the one hundred and tenth year.

[SEAL.] M. B. CONVERSE,
*Clerk.*

UNITED STATES OF AMERICA,
*Southern District of Illinois, ss:*

G. Van Hoorebeke, being first duly sworn, on oath says he is the district attorney of the United States for the southern district of Illinois, by a commission from the President of the United States, bearing date June 8, A. D. 1885; that he has examined the accounts of John F. Cadwallader for services in writing up the back records of the district court of the United States for said district, in cases in which the United States was a party, covering a period from October 1 to December 20, A. D. 1883, and finds the charges therein made for the services performed to be the statutory charges allowed clerks of courts for like services; that he has examined the record charged for in said account, together with some of the court minutes, papers, and files from which the same was made; that the work charged for appears to have been faithfully performed as therein stated, and that in his opinion said John Cadwallader is entitled to compensation for said services, at the legal rate charged in said account. Deponent further says that he has no interest whatever in the premises further than that the said John Cadwallader may receive what is due him for services performed.

G. VAN HOOREBEKE.

Sworn and subscribed to before me this 21st day of December, A. D. 1885.

[SEAL.] M. B. CONVERSE,
*Clerk United States District Court.*

I have examined the foregoing account of Mr. Cadwallader, and know, from personal knowledge, that the services therein stated were rendered by him; and that, in my opinion, in connection with the statements of the clerk and district attorney, the charges made are just and reasonable, and ought to be allowed.

S. H. TREAT,
*District Judge.*

DECEMBER 21, 1885.



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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 675.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 517.]

*The Committee on Claims, to whom was referred the bill (S. 517) for the relief of J. Henry Rives, have carefully examined the same, and report:*

This claim was before the Forty-sixth, Forty-seventh, Forty-eighth, and Forty-ninth Congresses. There was a favorable report on the claim made to the second session of the Forty-sixth Congress. No report was made in the House at the Forty-seventh Congress, but at the Forty-eighth Congress there was a favorable report, and the bill passed the Senate.

The report made to the Senate by Mr. Cameron, of Wisconsin, during the first session of the Forty-eighth Congress fully and fairly presents all the facts bearing upon the right of the claimant to relief, and is adopted by your committee.

That report is as follows:

Mr. Rives was collector of internal revenue for the fifth district of Virginia, and John C. Henry his deputy. February 5, 1874, it was discovered that his deputy was an embezzler to the extent of $36,241, and that he had fled. Thereupon Mr. Rives took prompt and efficient measures for his arrest and the recovery of the funds. The deputy was arrested, tried, convicted, and sentenced to four years in the Albany penitentiary; and there was recovered from him in money and by sale of property over $31,000, leaving a balance of deficit of about $5,234, which was ultimately paid by his sureties It is evident that this result was very largely due to the promptness, energy, and fidelity of Mr. Rives.

The expenses attendant upon the arrest and prosecution of the defaulting deputy were $885.57, which was paid by Mr. Rives from his own funds. No appropriation, it seems, was available to re-imburse him. The claimant asks to be re-imbursed the amount expended by him.

Under date of February 17, 1880, the Commissioner of Internal Revenue said, relative to this claim, in a letter to the Committee on Ways and Means of the House:

"Mr. Rives is entitled to commendation for the promptness and energy displayed in the arrest and prosecution of this defaulting officer and the recovery of the money, which was all deposited within a reasonable time. * * * Under the circumstances I think this claim is entitled to your favorable consideration."

Under date of February 1, 1884, the Commissioner, answering a letter of inquiry from this committee, said:

"In reply to the questions asked by the committee, I would state: First, that it does not appear from the records of this office that the embezzlement of Deputy Henry occurred through any carelessness or negligence on the part of Collector Rives; but, on the contrary, it was reported that his deputy conducted his fraudulent transactions so skillfully as to deceive the collector and evade the checks which had been established by the collector to prevent such frauds."

It further appears from the Commissioner's letter that it was Rives's duty, under the practice of the service, to cause to be arrested and prosecuted the defaulting deputy, such duty not forming a part of the duties of the special agents of the Department.

The following is a statement of the expenses incurred by Collector Rives:

| | |
|---|---|
| Bills for telegrams sent to insure the capture of J. C. Henry | $93.90 |
| Paid J. P. Parrant $50, and S. H. Carrick $50, for arresting Henry | 100.00 |
| Expenses of special deputy marshal sent in pursuit | 100.00 |
| Paid different attorneys in civil suits to recover amonnt embezzled | 581.67 |
| | 885.57 |

The committee are of opinion that Collector Rives should be re-imbursed for the amount expended by him in the capture and conviction of Henry, as it was, as appears from the letter of the Commissioner of Internal Revenue, his duty to cause Henry's arrest. The amounts paid to attorneys in the civil suits, however, should not be allowed, because such suits were brought by the collector to protect himself, as he was responsible for the amount of the embezzlement.

The committee therefore report back the bill with the following amendments: Strike out the words "eight hundred and eighty-five dollars and fifty-seven cents," in lines 5 and 6, and insert in place thereof the words "two hundred and ninety-three dollars and ninety cents;" in line 8 strike out the words "prosecution and conviction;" in lines 9 and 10, strike out the words "and the recovery of the money embezzled;" and recommend that the bill do pass as amended.

Your committee would therefore report Senate bill 517 favorably, and recommend that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 676.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill S. 1475.]

*The Committee on Claims, to whom was referred the bill (S. 1475) for the relief of Arthur Connell, have carefully examined the same, and report:*

The papers filed relating to the claim of Arthur Connell show that there has been no action in the House of Representatives in reference to it, but that a bill for his relief was introduced in the Forty-third, Forty-fourth, Forty-fifth, Forty-sixth, and Forty-ninth Congresses. No report was made upon these bills, except in the Forty-sixth Congress, at which time the Committee on Claims reported adversely.

It appears that the claimant, on the 1st of September, 1860, rented a house and lot from one Clayborne Deloach, located in the city of Memphis, Shelby County, Tenn., with the privilege of erecting a two or three story building on a portion of the said lot; the lease was to expire five years from its date, and the building erected was to be purchased by the owner of the realty at the expiration of the lease.

The claimant in his petition alleges that at the opening of the war he left the city of Memphis, going to the State of Virginia, afterwards to Alabama, where he remained until the close of the war. He claims that in August, 1862, the Federal forces having occupied the city, this building was taken possession of by the United States authorities and rented, the rents collected and received by the Government. He presents receipts amounting to $2,400, signed by the assistant quartermaster, or rental agent of the Government, for the rent collected by them from the property in the city of Memphis. None of these receipts, however, show that the tenants who paid the rent occupied the property claimed by the petitioner. He alleges that throughout the war he conducted himself loyally and without offense to the Government of the United States, averring that he was not in the Confederate army, but was occupied during these years in mercantile pursuits.

There is no evidence introduced by the claimant of any contract entered into by the officers of the Government for the lease, use, or occupation of this property, and your committee assume that it was taken possession of under orders issued by the commander of the department, and upon the assumption that the owner was disloyal. There is no proof except the statement in the petition of the claimant as to his loyalty, and the fact of his having taken the oath under the amnesty proclamation issued by the President on May 29, 1865.

Your committee feel constrained to report Senate bill No. 1475 un-

favorably, and recommend its indefinite postponement for the following reasons:

(1) There is no proof of contract on the part of the Government to pay for the occupation of this property.

(2) There is no proof which identifies the receipts found in the papers with the averment that they represent rent received from this particular property.

(3) The evidence in the papers does not even tend to show the loyalty of the claimant.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 677.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill H. R. 2669.]

*The Committee on Claims, to whom was referred the bill (H. R. 2669) for the relief of the heirs of the late Solomon Spitzer, after having considered the same, submit the following report:*

A bill similar to the one under consideration was favorably reported upon by the House Committee on Claims of the first sessions of the Forty-seventh, Forty-eighth, Forty-ninth, and Fiftieth Congresses, and passed the House of Representatives on the 2d instant. The facts in the case are fully stated in the last-mentioned report.

A report made by the committee of Treasury officers appointed by the Secretary of the Treasury to examine into Spitzer's claim in 1880, for extra compensation, and the concurring opinion of the Secretary of the Treasury, are hereto attached and also made a part of this report.

In view of the facts stated in the accompanying papers, your committee report back the bill favorably and recommend its passage.

The following is the report of the Committee on Claims of the House of Representatives, made on February 14 last, to which is added the above-mentioned report of the committee of Treasury officers and the concurring opinion of the Secretary of the Treasury:

*The Committee on Claims, to whom was referred the bill (H. R. 2699) for the relief of the heirs of Solomon Spitzer, would respectfully report:*

That a similar bill was favorably reported by Mr. Tillman, from the Committee on Claims, in the Forty-eighth Congress. Your committee concur in the report, which is hereto annexed, and recommend that it do pass.

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*The Committee on Claims, to whom was referred the bill (H. R. 1089) for the relief of Solomon Spitzer, and accompanying papers, have had the same under consideration, and make the following report:*

This bill appropriates the sum of $12,500, or so much thereof as in the opinion of the Secretary of the Treasury may be necessary, to pay the claim of Solomon Spitzer for the unexpected increase in the work of weighing imports at the port of New York under his contract with the Treasury Department for the year 1879.

It appears that Spitzer entered into a contract with the Treasury Department to do all the work of weighing imports at the above-named port for three years from February 1, 1878, at a compensation of $75,000 per annum.

The contract also specified that in case the work was increased more than 10 per cent. by legislative action increasing the classes of weighable goods, the contractor should be entitled to compensation in proportion to the increase, less the 10 per cent. specified.

An unanticipated increase in the volume of importations took place in the latter part of the year 1879, and the *quantity of weighable goods* imported continued to

increase to such an extent that Spitzer was no longer able to perform his contract, and it was terminated on the 1st of January, 1880. Spitzer presented a claim to the Treasury Department for extra compensation on account of the unexpected increase, and it was referred to a committee of Treasury officers, appointed by the Secretary of the Treasury. They examined the matter carefully, and reported that, under the terms of the contract, Spitzer was equitably entitled to additional compensation to the extent of $12,500, but there was no power vested in the Department to pay same, and recommended legislative action. The Secretary of the Treasury concurred in the report of the committee.

The average number of tons weighed during each of the six years from 1873 to and including 1878 was 1,104,488, and it is fair to assume bidders for furnishing the labor in question took into consideration, in making their bids to perform the service, the average number of tons weighed during former years. The quantity of goods weighed in 1879 was 1,570,907 tons, or 466,419 tons more than the average of each of the six preceding years, an increase of about 42 per cent., while the price paid by the Government for the labor performed was over $100,000 less than 1877, according to the report of the Treasury officials.

The collector of the port of New York, the deputy naval officer, and General Curtis all seem to indicate, by communications to the Department on this subject, that in their judgment it would be equitable to allow Mr. Spitzer 33 per cent. in addition to his contract price for such period as the Secretary might deem proper.

The report of the collector of February 10, 1880, states that according to Spitzer's pay-rolls the labor under the contract cost him $32,000 in 1879 more than the $75,000 received from the Government. He also estimated that during the year 1880 the work done by Spitzer would cost something like $144,000, and experience has shown that this was an underestimate.

Your committee are therefore of the opinion that as Spitzer made his contract in good faith, and as it is fair to assume, on the estimate as furnished by the Government for the six years preceding 1878, that, in accordance with the said contract, he would be equitably entitled to an addition of 33 per cent. to his contract price for the last half of the year 1879, or $12,500.

At the commencement of the first session of the Forty-seventh Congress, of 1882, Mr. Spitzer came to Washington and presented his claim, and, while here prosecuting said claim, was suddenly taken sick, and died April 13, 1882.

In view of the foregoing facts, your committee therefore report back the bill, amended so as to pay said amount of $12,500 to the legal representatives of the late Solomon Spitzer, and recommend that it do pass.

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TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, D. C., August* 16, 1880.

SIR: In accordance with instructions contained in the letter of Assistant Secretary French, of the 12th of February last, we have examined the claims of Solomon Spitzer for extra compensation on account of weighing imports at New York, and beg leave to make the following report:

* * * * * * *

The only other branch of the subject remaining to be considered is, what extra compensation, if any, shall be paid to Spitzer on account of the large increase in the work prior to the 1st of January last, and what period such compensation shall embrace. It is conceded that the work for which this extra compensation is sought was of a character covered by the contract. If Mr. Spitzer can be paid extra compensation on account of such increase, the following table furnished by the superintendent of the weighers, Mr. Lake, may be taken as exhibiting the number of tons and cost per ton of weighable goods weighed at the port of New York from 1873 to and including 1879:

| Year. | Number of tons weighed. | Expenses of weighing. | Cost per ton of 2,000 pounds. |
|---|---|---|---|
| 1873 | 1,184,386 $\frac{233}{1000}$ | $367,934.09 | $0.31 $\frac{8}{100}$ |
| 1874 | 1,138,132 $\frac{41}{1000}$ | 301,536.30 | .26 $\frac{44}{100}$ |
| 1875 | 1,005,944 $\frac{185}{1000}$ | 314,109.73 | .29 $\frac{14}{100}$ |
| 1876 | 1,057,437 $\frac{88}{1000}$ | 301,891.18 | .28 $\frac{44}{100}$ |
| 1877 | 1,097,368 $\frac{111}{1000}$ | 314,294.72 | .28 $\frac{64}{100}$ |
| 1878 | 1,093,66[illegible] $\frac{44}{1000}$ | 197,467.22 | .18 $\frac{7}{100}$ |
| | 6,626,931 $\frac{444}{1000}$ | | 1.62 $\frac{44}{100}$ |
| 1879 | 1,570,907 $\frac{111}{1000}$ | 198,207.78 | .12 $\frac{44}{100}$ |

Average number of tons weighed during each of the six years from 1873 to and including 1878, 1,104,488.

Average cost per ton, 0.2713+ cents.

It is assumed that bidders for furnishing the labor in question took into consideration, in making their bids, the average number of tons weighed during former years. The quantity of goods weighed in 1879 was 466,419 tons more than the average of each of the six preceding years; an increase of about 42 per cent.

The contract specified that in case the work was increased more than 10 per cent. by legislative action, increasing the classes of weighable goods, the contractor should be entitled to extra compensation in proportion to the increase, less the 10 per cent. specified.

The collector, by his letter of January 14 (see Exhibit F); the deputy naval officer, by his letter of January 12, and General Curtis, by his report of January 10 (both inclosures of Exhibit F), all seem to indicate that, in the judgment of these officers, it would be equitable to allow Spitzer 33 per cent., in addition to his contract price, for such period as the Secretary might deem proper.

To form any judgment as to the period of time which this extra compensation should embrace, it is proper to inquire what were the expenses and receipts of Mr. Spitzer in connection with the contract for the year 1879. The report of the collector of February 10, 1880, marked I, states that according to Spitzer's pay-rolls the labor under the contract cost him $32,000 in 1879 more than the $75,000 received from the Government as the contract price. The collector estimates in said letter, that during the present year the work done by Spitzer would cost, on the basis of last year's importations, something like $144,000, and later experience has shown that this was a serious underestimate.

Upon review of all the circumstances, we are of opinion that if Mr. Spitzer has in good faith performed his contract according to its terms, he would be equitably entitled to an addition of 33 per cent. to his contract price for the last half of the year 1879, or $12,500.

We are, however, of the opinion that no power exists in the Secretary to make this award without legislative sanction.

Very respectfully,

J. H. ROBINSON,
*Assistant Solicitor.*
A. K. TINGLE,
*Supervising Special Agent.*
H. B. JAMES,
*Chief Customs Division.*

Hon. JOHN SHERMAN,
*Secretary.*

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TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, D. C., March* 1, 1881.

SIR: I am in receipt of a note from the clerk of your committee dated the 21st ultimo, requesting, on behalf of the sub-committee charged with the preparation of the deficiency bill for 1881, an expression of the views of this Department upon the merits of a bill therewith inclosed for the relief of Solomon Spitzer.

This bill proposes to appropriate the sum of $12,500, or so much thereof as, in the opinion of the Secretary of the Treasury, may be necessary to pay the claim of Solomon Spitzer for the unexpected increase in the work of weighing imports at the port of New York under his contract with this Department for the year 1879.

Mr. Spitzer entered into a contract with this Department to do all the work of weighing imports at the port of New York for three years from February 1, 1878, at a compensation of $75,000 per annum. This contract was let to Spitzer after public advertisement, he being the lowest bidder.

A great, and to a large extent unanticipated, increase in the volume of importations took place in the latter part of the year 1879, and the quantity of weighable goods imported continued to increase to such an extent that the contractor was no longer able to perform his contract, and it was accordingly terminated on the 1st of January, 1880.

After the abrogation of the contract, Spitzer presented a claim for extra compensation on account of the heavy and unexpected increase in the volume of the work during the last half of the year 1879, and this claim was referred by me to a committee consisting of the Assistant Solicitor of the Treasury, the chief of the special agent's force, and the chief of the customs division, and I inclose herewith a copy of their report upon the case. Their conclusion was that inasmuch as this work was done while the contract remained in force there was no power vested in the Department to grant the relief sought, *but that if Spitzer had faithfully* performed the

terms of his contract he was equitably entitled to additional compensation to the extent of $12,500. The method by which they arrive at this sum as a basis of compensation is given in their report.

I know of no facts which lead me to dissent from the conclusion reached by the committee.

Very respectfully,

JOHN SHERMAN,
*Secretary.*

Hon. J. D. C. ATKINS,
*Chairman Committee on Appropriations, House of Representatives.*

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 678.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2460.]

*The Committee on Pensions, to whom was referred the petition of Theodore Rauthe, praying for arrears of pension, have examined the same, and report:*

The facts in this case were adjudicated by the Senate Committee on Pensions of the Forty-seventh Congress, first session (Report No. 221, hereto annexed).

It thus appears that the claimant was deprived of his pension for the time stated in the bill reported herewith by the action of the Pension Bureau, which summarily dropped his name from the rolls upon information furnished by a letter, which was subsequently abundantly proven to have been a forgery.

Applying to this case the well-settled principle of law that a party against whose interest a forgery has been committed, by which he is deprived of any right or property, shall have restitution, not only from the wrong doer, but even from a person who has innocently been misled by the transaction, your committee have no hesitation in coming to the conclusion that the claimant is entitled to the relief granted by the accompanying bill, the passage of which is recommended.

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Theodore Rauthe enlisted as a private in Company K, Thirteenth New York Cavalry, January 5, 1864, having then recently arrived from Germany, of which country he was a citizen. He was mustered out with his company September 21, 1865. He was pensioned November 1, 1867, at the rate of $15 per month, for loss of both feet, amputated in Harewood Hospital, D. C., in March and June, 1866, having been admitted to said hospital as a discharged soldier. His pension was subsequently increased to $31.25 per month. He was dropped from the rolls September 12, 1878, upon the ground that the disability for which he was pensioned was not due to his Army service. He has since applied for restoration, which the Pension Office, after consideration, has refused.

The amputation of claimant's feet was rendered necessary by reason of their having been frozen, and the question in the case is, whether such amputation was rendered necessary in consequence of his feet having been frozen while in the service, or in consequence of a subsequent exposure and freezing. Claimant and six comrades testify that his feet were frost-bitten in January, 1865, while on picket duty, at night, near Camp Lovell, Virginia, and while the same did not necessitate hospital treatment the claimant frequently complained of the condition of his feet, resulting therefrom. The Army records furnish no evidence of the fact. Claimant further alleges that when cold weather came on in the fall, after his discharge, that his feet, in consequence of having been *frost-bitten in the service, broke open*, and grew worse until

the amputation thereof. In this he is also corroborated by his six comrades. But the committee doubt whether they had personal knowledge of that fact. After his discharge in September, 1865, he came to Washington and worked as a cigar-maker. The next that is known of him is, that he was found in December, 1865, in a tobacco barn, in Prince George's County, Md., by the owner of the barn, nearly "frozen to death;" sick, "and his feet in a very bad condition from being frosted." He was taken the next day (having been cared for meantime) to the almshouse, and afterwards to Washington, and was soon admitted to Harewood Hospital.

The farmer who found him says: "I do not think he could have been lying in the barn for any considerable time, as the weather was very cold. There was no appearance of drunkenness about him. I am unable to say, of my own knowledge, whether he had been previously frosted, but his feet were in a wretched condition when he was discovered by me." He was dropped from the rolls upon a letter purporting to have been written by Robert Lamprect, a sergeant of the Twelfth United States Infantry, alleging that his feet were not frozen in the Army, but were frozen after his discharge, while lying out-doors all night near the corner of Twentieth and K streets, in Washington, where he was found and taken to the police station. The letter Lamprect denies having written, and its allegations are found to be untrue, and Lamprect testified subsequently that he did know, of his own knowledge, that claimant's feet were frozen while in the service. The investigation set on foot in consequence of the receipt of this letter brought out the fact that claimant was found in the barn in Maryland in the condition described. The case is one of considerable doubt. The claimant does not speak English.

It appears to be sufficiently established that claimant's feet were frozen while in service. Whether their condition, at the time he was found in the barn, naturally resulted therefrom, is not so clearly proven, but, upon the whole case, in view of the fact that the claimant does not speak English, and may not have understood clearly the necessity of particularity upon this point, and in view of the established fact that his feet were originally frozen in the service, the committee have concluded to recommend the passage of the bill (S. 1040), amended so as to pay said Rauthe a pension of $50 from and after the passage of this act, and that S. 952 be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 679.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1831.]

*The Committee on Pensions, to whom was referred the bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson, have examined the same, and report:*

The claimant, Mrs. Mary Heap Nicholson, is the widow of Rear-Admiral James W. A. Nicholson, who, at the time of his death, October 28, 1887, was upon the retired list of the Navy. The following certificate sufficiently identifies the cause of death as the result of the long service of Admiral Nicholson:

140 WEST FORTY-FOURTH STREET, *New York, December* 14, 1887.

I hereby certify that James William Augustus Nicholson, who was a rear-admiral in the United States Navy, died on the 28th day of October, 1887, of albuminuria, and that the disease causing his death originated in the line of duty from exposure incident to long and faithful service in the United States Navy.

A. C. RHOADS,
*Medical Inspector, U. S. Navy.*

Admiral Nicholson was engaged in active service for forty-five years, the illustrious character of which is attested in the following sketch of his life.

The passage of the bill is recommended.

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Admiral Nicholson was born at Dedham, Mass., on March 10, 1821. He entered the Navy as a midshipman in 1838, and till 1852 (from midshipman to acting lieutenant) served in the Mediterranean, Mexican war, West Indies, and Pacific station. From 1853 to 1855 he was lieutenant on the *Vandalia*, in the Japanese expedition under Commodore Perry. He was stationed on shore for several months with a guard at Shanghai, China, to protect the foreign settlement during the Chinese rebellion. From 1857 to 1860 he was on duty on the African coast.

Early in 1861 he became executive of the *Pocahontas* in the engagement with Confederate batteries on Aquia Creek and the Potomac River, and aided in the protection of Washington. His first command was the gun-boat *Isaac Smith*, in the Du Pont Port Royal expedition. During the battle of Port Royal, November 7, 1861, he evinced two of his characteristic traits—coolness and courage. When the *Seminole* and other vessels came to offer aid, as his ship was enveloped in clouds of steam, he thanked them, saying he could take care of himself, and told them to keep to their own line in the battle, and he continued fighting until the battle was won. He rendered important service at Fort Pulaski, Fernandina, Saint Mary's, and Jacksonville. In the spring of 1862 he was assigned the command of Saint Augustine. After turning it over to the army of occupation, he went to the Saint John's River, and while

in command of a division of gun-boats on that river was attacked by Confederate infantry and defeated them with considerable loss to the enemy. He kept the river and coast clear of batteries and guerrillas. In February, 1862, he was in engagement with a Confederate flotilla on the Savannah River. In 1862 and 1863 he was ordnance officer at the New York station, the department at that time being one of vast importance. He was known as an able and practical officer of ordnance. In 1863 and 1864 he commanded the *Shamrock*, on duty in the South Atlantic Blockading Squadron before Charleston.

In 1864, in the West Gulf Blockading Squadron, under Rear-Admiral Farragut, he commanded the monitor *Manhattan*, and was at the battle of Mobile Bay forts and the capture of the Confederate ram *Tennessee*, August 5, 1864. Prior to the attack upon the forts the little monitor *Manhattan* arrived off the bay, and shortly after steamed inside and anchored in a position under fire from the forts, and where no wooden vessel, during the three years of the blockade, had ever been placed; also in such a position that the ram *Tennessee* could have attacked her at any time with impunity from any interference on the part of the wooden vessels, as they were all outside the bar. The *Manhattan* was the first to emerge from the cloud of smoke that enveloped the vicinity of the forts, and as she steamed away she took a course directly for the rebel fleet, opening her guns upon it as soon as she passed the forts. When the rest of the fleet formed a circle about the rebel craft the *Manhattan* appeared directly in front of the ram to head her off; the shots which penetrated the armor of the *Tennessee* and caused her surrender were fired from the guns of the *Manhattan;* and while the entire fleet did good service, the conduct of Commander Nicholson in the management of the *Manhattan* alone, in the opinion of many officers of the Navy, saved the Federal fleet from either being driven out of Mobile Bay or being sunk beneath its waters. The *Manhattan's* boats having been shot away, Commander Nicholson was unable to get on board the *Tennessee* to receive her surrender, but Captain Johnson, of the *Tennessee*, afterwards stated that he wished to surrender to Commander Nicholson, of the *Manhattan*, as the latter vessel had conquered him. The *Manhattan* was also engaged in the bombardment of Fort Morgan.

Commander Nicholson, from 1865 to 1866, commanded the *Mohongo*, Pacific Squadron, and was present at the bombardment of Valparaiso by the Spanish fleet. From 1867 to 1868 he commanded the *Wampanoag*, the fastest steamer in the world at that time. From 1868 to 1870 he was navigation officer at the New York yard. In 1871 and 1872 he was captain of the flag-ship *Lancaster*, Brazil Squadron, and brought home the *Portsmouth*. He was commissioned commodore November 8, 1873. In 1873 and 1874 he was a member of and in 1875 and 1876 was president of the board for examination of officers for promotion and for retirement, which board also revised the Navy Regulations of 1876. On September 1, 1876, he took command of the Brooklyn navy-yard, which station he commanded till May 1, 1880.

On September 1, 1881, Admiral Nicholson was assigned to the command of the European Squadron. On June 27 of the following year he anchored his flag-ship in the harbor of Alexandria, and awaited the exciting events that were to follow. When he received official notice, July 10, at 4 a. m., from Admiral Seymour, commanding the British naval forces, that hostilities might occur within twenty-four hours, and requesting him to move the vessels under his command out of the line of fire, Admiral Nicholson sent the information at once to the consulate, and prepared to receive any and all refugees who might seek protection. At 3 p. m. he moved outside the bar with the squadron, having one hundred and three refugees on board. At 7 a. m., the 11th, the English opened fire upon the forts, and at 5 p. m. the forts were silenced. Fires raged in the city for two days and nights. On the 14th Admiral Nicholson again crossed the bar and anchored in the lower harbor. He sent to the Khedive, stating his desire to re-establish the consulate. The Khedive granted the request, and begged that the admiral would aid in extinguishing the fires, and also in preserving order. Admiral Nicholson landed one hundred marines, guarded the consulate, aided in extinguishing the fires and burying the dead lying about the streets, himself visiting the consulate and the burning district. Throughout the whole Alexandria episode Admiral Nicholson's conduct was prompt, energetic, and efficient, and he received the general commendation of all Europe and the approval of his own Government.

In February, 1883, Admiral Nicholson was relieved of the command of the European Squadron by Admiral Baldwin, and on March 11 was placed on the retired list by operation of law, having reached the age of sixty-two years.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 680.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2067.]

*The Committee on Pensions, to whom was referred the bill (S. 2067) granting a pension to William O. Doyel, have examined the same, and report:*

The facts in this case are set forth in the following report recently made by the House committee on a similar bill (H. R. 7476):

William O. Doyel is a resident of Mammoth Cave, Edmonson County, Ky., and is a son of Richard G. Doyel, late a private in Company C, Twenty-third Regiment of Kentucky Volunteers, who died in the Army during the year 1864.

The claimant was born in 1864 and has been a helpless cripple since his birth. He has lateral curvature of the spine, with complete paralysis of the lower extremities, and great wasting away of soft parts of same, rendering him thereby helpless, and necessitating the constant aid and attendance of another.

He is a physical wreck, and his life under the circumstances can not be long.

He is in destitute circumstances, and unless relief is obtained he must of necessity become a county charge.

The case appeals strongly to the generosity of Congress, and it is to be hoped that a prosperous Government, blessed with a plethoric Treasury, will not permit the son of a gallant soldier, who fell in her defense, to seek refuge in an almshouse or be found begging for bread.

The committee therefore make this favorable report, with the following amendment, and recommend the passage of the bill: Strike out all after "volunteers" in the eighth line, and insert "and pay him a pension of $18 per month."

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 681.

IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1488.]

*The Committee on Pensions, to whom was referred the bill (S. 1488) granting a pension to Louisa V. de Kilpatrick, have examined the same, and report:*

It appears from the papers on file that Gen. Judson Kilpatrick, the husband of the applicant, was mustered into the service May 9, 1861, and appointed brigadier-general June 13, 1863, and discharged January 1, 1866.

From the papers submitted, there appears to be a conflict in the testimony between the examining surgeon and the physicians who attended the general during his last illness. General Kilpatrick died December 2, 1881, of Bright's disease of the kidneys, at Santiago, Chili.

There is abundance of medical testimony showing that his death was caused by Bright's disease, which may have been induced by exposure in the service of his country.

Your committee, however, feel that the distinguished and valuable service rendered by General Kilpatrick during the war of the rebellion entitles his widow to a just recognition from the Government he so ably and faithfully served. We therefore recommend the passage of the bill, with the following amendment:

Strike out the words "two thousand dollars per annum" in the ninth line and insert instead the words "one hundred dollars per month."

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 683.

IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1330.]

*The Committee on Pensions, to whom was referred the bill (S. 1330) granting a pension to Maria Gardner, have examined the same, and report:*

The husband of the applicant was a private in Company A, Eleventh New Jersey Volunteers. He enlisted July 30, 1862, and was discharged August 16, 1864. On May 21, 1871, the soldier died of inflammation of the lungs, and in May, 1879, his widow filed an application for pension.

The soldier's disability for which he was discharged was hernia, and as the disease which caused his death could not be traced to this disability, the widow's claim was rejected in 1882 after a special examination. She appealed from the Department's decision to the Secretary of the Interior, but the rejection was sustained.

After a careful examination of the evidence the committee fails to find valid reasons for the granting of a pension in this case, and therefore recommend that the bill be not passed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 683.

IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1330.]

*The Committee on Pensions, to whom was referred the bill (S. 1330) granting a pension to Maria Gardner, have examined the same, and report:*

The husband of the applicant was a private in Company A, Eleventh New Jersey Volunteers. He enlisted July 30, 1862, and was discharged August 16, 1864. On May 21, 1871, the soldier died of inflammation of the lungs, and in May, 1879, his widow filed an application for pension.

The soldier's disability for which he was discharged was hernia, and as the disease which caused his death could not be traced to this disability, the widow's claim was rejected in 1882 after a special examination. She appealed from the Department's decision to the Secretary of the Interior, but the rejection was sustained.

After a careful examination of the evidence the committee fails to find valid reasons for the granting of a pension in this case, and therefore recommend that the bill be not passed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 684.

IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1329.]

*The Committee on Pensions, to whom was referred the bill (S. 1329) granting a pension to Alfred E. Gathercole, have examined the same and report:*

The applicant, who was an employé in the United States Quartermaster's Department, made application for a pension April 5, 1887, alleging compound fracture of the left leg sustained while constructing a bridge at Lick Creek, Tenn. The claim was rejected September 20, 1887, on the ground that the claimant was not duly enlisted in the military service of the United States, but was a civilian doing civilian's duty.

For this reason the committee recommend that the bill be not passed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 685.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1667.]

*The Committee on Pensions, to whom was referred the bill (S. 1667) granting a pension to John Hill, have examined the same and report:*

The applicant is the father of Thomas J. Hill, a late private in Company I, Eighty-third Regiment Pennsylvania Volunteers, who enlisted August 27, 1861, and was wounded at the battle of Gaines Mill. He was taken to the United States Hospital, at Baltimore, where it is alleged he died of his wounds August 7, 1862.

The applicant, who is seventy-four years of age, applied for a pension November 21, 1887, and the Commissioner of Pensions is now awaiting a report from the Adjutant-General, called for January 26, 1888.

As the claim is now under consideration by the Department the committee recommends that the bill be not passed.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 686.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1486.]

*The Committee on Pensions, to whom was referred the bill granting a pension to Anthony Kiss, have examined the same, and report:*

The applicant was a member of Third Battery New Jersey Light Artillery. He enlisted November 13, 1863, and was discharged December 22, 1864, for disability caused by loss of sight of right eye and partial of left eye from the bursting of a shell. He was pensioned at $8 per month from the date of discharge; subsequently this was increased to $15, then to $18, $24, and finally to $30. His application for further increase was rejected May 11, 1885. He now asks Congress to pass a special act in his behalf, pensioning him at the rate of $72 per month, deducting payments which have already been made on his application.

The evidence conclusively proves that the applicant is totally incapacitated for labor of any kind, being afflicted with gunshot wound of left arm and abdomen, in addition to his loss of sight. After a careful examination of the evidence, the committee is convinced that the case is a meritorious one, but inasmuch as a general bill covering cases of this kind is now under consideration, the committee recommend that the bill be not passed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 687.

IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1748.]

*The Committee on Pensions, to whom was referred the bill granting a pension to John L. Conklin, have examined the same, and report:*

The applicant entered the service as a private in Company D, Twenty-sixth New Jersey Volunteers, September 3, 1862, and was discharged June 27, 1863. He filed his application for a pension January 26, 1880, alleging that he stepped into a hole while hauling on ropes in moving a ponton bridge, thereby causing injury to his back which resulted in lumbago. Pension was allowed him at the rate of $2 per month from discharge to March 14, 1883, when a careful medical examination failed to show any disability. The soldier made application for restoration to the pension rolls, but the application was denied and the denial affirmed by the Secretary of the Interior.

The report of the board of examining surgeons, made in June, 1886, is so unequivocal as to the nonexistence of disability that the committee does not feel justified in discarding its opinion, and therefore recommend that the bill be not passed.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 688.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1737.]

*The Committee on Pensions, to whom was referred the bill (S. 1737) granting a pension to Theodore Gardner, have examined the same, and report:*

Theodore Gardner, late sergeant of the First Battery, Kansas Volunteers, was pensioned under special act, approved June 18, 1878, at the rate of $8 per month, for double scrotal hernia. The rating now under the pension laws, as shown by Digest, page 309, for double scrotal hernia may be from $12 to $17 per month.

The pensioner made application for such increase under provisions of general law, and his application was rejected under section 5 of the act of July, 1882, which provides: "That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law."

As the act under which the soldier was pensioned fails to state that his pension therein granted was in addition to that which he would be entitled to receive under the general law, he asks for the passage of this act in order that he may receive the increased rating now granted for like disability to pensioners under the general law.

It is apparent that the present rating is not as much as he is entitled to in his present condition, and also that his disability is increasing.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 688.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1737.]

*The Committee on Pensions, to whom was referred the bill (S. 1737) granting a pension to Theodore Gardner, have examined the same, and report:*

Theodore Gardner, late sergeant of the First Battery, Kansas Volunteers, was pensioned under special act, approved June 18, 1878, at the rate of $8 per month, for double scrotal hernia. The rating now under the pension laws, as shown by Digest, page 309, for double scrotal hernia may be from $12 to $17 per month.

The pensioner made application for such increase under provisions of general law, and his application was rejected under section 5 of the act of July, 1882, which provides: "That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law."

As the act under which the soldier was pensioned fails to state that his pension therein granted was in addition to that which he would be entitled to receive under the general law, he asks for the passage of this act in order that he may receive the increased rating now granted for like disability to pensioners under the general law.

It is apparent that the present rating is not as much as he is entitled to in his present condition, and also that his disability is increasing.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 691.

IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2006.]

The claimant in this case is Mary E. Noll, widow of Philip Noll, who was a private in Company E, Ninth Regiment Missouri State Militia. Philip Noll enlisted February 15, 1862, and was honorably discharged from the service of the United States April 21, 1865. He made application for pension June 28, 1880, alleging in his declaration "that on or about May 15, 1862, at Columbia, Mo., while in line of duty, received injuries to the head, including a slight fracture of the skull, caused by the horse he was riding stumbling and throwing him, striking his head, causing pain, dizziness, and blind-staggers, especially after any physical exertion, entirely disabling him."

This claim was fully established to the satisfaction of the Commissioner of Pensions, and on August 6, 1885, the claim was allowed at the rate of $4 per month, commencing April 22, 1865, and ending January 31, 1885, the day of the soldier's death. On February 25, 1885, Mary E. Noll made application for pension—for herself, as widow, and the minor child, Monty L. Noll, who will be sixteen years of age October 2, 1894. This claim was rejected July 28, 1885, on the ground "that the evidence failed to show that the disease of which the soldier died originated in the service."

The claim of the widow was examined by a special examiner, Mr. J. H. Hall, who says: "From the evidence, I am convinced that the soldier's widow's claim is meritorious and should be admitted."

The marriage of the claimant to the soldier is fully established, and is shown by a certified copy of the public records.

The births of the children are shown by a certified copy of the family record, as contained in the family Bible. The papers show that the soldier was very poor at the date of his death, and your committee, being of the opinion that the pension should be continued to the widow, recommend the passage of the bill.

## IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2230.]

David P. Hougland, the claimant under this bill, enlisted February 12, 1862, and was discharged March 31, 1863. His service was as a private in Company C, Second Battalion Missouri Cavalry.

On January 16, 1880, he made application for a pension, alleging in his declaration "that about the month of March, 1862, near Shawneetown, Kans., his horse slipped and rolled over him, fracturing his right leg in three places, and also producing hernia of right groin." His claim was rejected June 17, 1885, on the ground that "the claimant was unable to establish the origin in line of duty of his alleged injury." The Adjutant-General, United States Army, reports him June, 1862, sent home to recuperate, and September, 1862, sent to Kansas by acting assistant surgeon with broken leg. The adjutant-general of Missouri in his report to the Commissioner of Pensions states "that the records of his office show that the claimant is reported as having broken leg in periodical muster of October, 1862; leg broken and sent to Kansas by hospital surgeon; broke since enlistment."

The claimant makes affidavit as follows, viz:

> That he was dispatched from Harrisonville, Mo., to Kansas City and Quintaro, and in passing over the road a few miles south of Shawnee his horse fell and rolled over his body, breaking his leg and rupturing him in the left groin; that he was taken to his home, at Olathe, Kans., after the accident happened, and treated by Dr. Bull; was never treated in hospital, but paid his own doctors' bills and expenses; was treated once at Harrisonville, and reported unfit for duty; that he is unable to furnish the affidavit of Dr. Bull, for the reason that the doctor is dead; that he was never treated by any regimental surgeon, and that hernia never existed prior to injury.

Capt. A. J. Briggs swears that—

> On or about the 10th day of March, 1862, at or near Shawnee, Kans., claimant was disabled in the line of duty by his horse falling on him, breaking his leg, and crushing him in such a manner as to cause hernia; knows the facts from being in command of said company.

Olliver H. Grigg, was an eye-witness to the accident and so states under oath, and further that he procured assistance, and had him carried to the house nearest the scene of the accident, and later in the day had him removed to the nearest post (Olathe) and a surgeon summoned to attend his injuries.

Dr. Douglass Bell swears that he was called to visit claimant about April 1, 1872, at which time he was suffering from pain in right leg, about the middle of the tibia and fibula, evidently from the defective union of an old fracture, *and since which time* has continued to return

at intervals, giving or causing pain and disabling him for duty; "also he had a swelling in the inguinal region, which I found to be a hernial protrusion, and which I supposed to be the result of the same accident which fractured his leg. Applied a truss, but from that time to the present he suffers from both continuously."

Capt. A. J. Briggs subsequently states, in response to an office letter, that the claimant was acting under the immediate orders of Colonel Newgent, and was on recruiting or some such service, * * * and believes he was hurt in the line of duty as a soldier, and the facts set forth in former affidavit are substantially true.

John R. Finter, sergeant Company C, swears that claimant was a healthy, sound man, of good habits, at the time of enlistment. Knew him before the war and at the time of his enlistment; was well and personally acquainted with him, and knows whereof he affirms. * * * He further states that on or about March, 1862, claimant was disabled in the line of his duty by his horse falling on him, causing a compound fracture of his right leg and rupture of his left groin. * * * He was instructed in affiant's presence by Colonel Newgent to go to Kansas City and Quindaro on some business and recruit for the command. Col. A. G. Newgent swears that he was well acquainted with claimant; "that at the time he was reported disabled, some time about the 1st of March, 1862, he was ordered by me, as the officer in command of said battalion, to Kansas City on business connected with the service, Whilst he was absent it was reported to me that he had been disabled, and he did not return to duty to the best of affiant's recollection for some two or three months afterwards. Know these facts from personal knowledge."

S. R. Burch, postmaster at Olathe, Kans., in response to office letter dated May 18, 1882, says:

> I do not know of such accidents happening in the Army personally, but know claimant to be a truthful and reliable man in every particular, and will inclose a certificate of a physician, stating what condition he is in now and has been for many years. My opinion is that it is a just claim.

Dr. James Bell swears that he has been acquainted with claimant over twelve years (1870 to 1882), and has been his family physician over ten years, and has been frequently called professionally to reduce for him strangulated inguinal hernia. He stated to affiant first time he saw him that he had, while in the United States service as volunteer, received an injury from the falling of his horse which fractured his leg and produced hernia, from which he has suffered frequently from its becoming strangulated so that he is not able to perform more than one-fourth the amount of labor an able-bodied man should.

Dr. H. S. Hastings says "he has known claimant since 1874; once assisted in reducing a hernia on him."

David Wallace, a comrade, swears to incurrence of disability in "the service and line of duty."

William H. Farmer, comrade, corroborates the above, as does also Milton Redenburgh, a comrade.

Oscar Farmer swears to the incurrence of the disability in the manner alleged by claimant, "by having seen claimant some time in the night of the day the accident happened, and being with him a part of next day, and having the doctor notify Captain Briggs that claimant could not return for duty."

Benjamin Woodwin, examining surgeon at Olathe, Kans., in his report of the case, rates him "for the fracture of the leg at three-eighths total, or $6, and for the hernia at total, or $8; making in all $14."

John Q. White, special examiner, says "he is unable to express an opinion upon the general merits of the claim, and returns the case without recommendation."

Luther Rees, special examiner, says:

* * * "From all the testimony and from the record I am of the opinion that the claim for broken leg is meritorious, and therefore recommend its admission. The question of line of duty is fairly determined in claimant's favor by the record and the testimony of Colonel Newgut, Captain Briggs, and Comrade Finter, * * * and I personally incline to the belief that hernia was contracted in the service, as he alleges, but that fact is not established by the testimony, and I am forced to recommend the rejection of that claim?"

The claimant is a man of the very highest character, and his reputation for truth and honesty is above question. His fellow-citizens of Johnson County speak of him in highest terms of praise. From a careful examination and review of the case your committee feel confident the disabilities alleged were contracted in the service and line of duty, and that its continuance is shown by the medical testimony covering fairly the period since his discharge, and they therefore report the bill favorably and recommend its passage.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 693.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2231.]

William N. Cline, the claimant in this case, enlisted as a private soldier in Company D, Eleventh Regiment Kansas Volunteer Cavalry, on the 23d day of August, 1862, and was discharged from the service of the United States September 13, 1865. On the 7th day of October, 1885, he made application for pension, alleging as the basis of his claim that he contracted rheumatism near Elm Springs, Ark., winter of 1862, from exposure. The claim was rejected August 19, 1886, on the ground that the claimant had not been disabled in a pensionable degree on account of rheumatism since October 7, 1885, date of filing his claim.

The Adjutant-General, U. S. Army, reports him in the hospital at Fort Scott, Kans., sick. The Surgeon-General of the U. S. Army reports claimant admitted to hospital at Fort Scott, November 17, 1862, with rheumatism.

Thomas Seat, an employé of the United States at the time, swears that—

> In winter of 1862 the claimant, Cline, contracted rheumatism from exposure incident to the service; that he was personally acquainted with claimant at the time of enlistment, and up to late fall or early winter of 1862 he was a hearty, robust man. He has frequently since suffered from the recurrence of these rheumatic attacks, disabling him, I should say, at least as much as the loss of an arm.

This affidavit was made May 21, 1886. Dr. Owen Blacken, under date of May 17, 1886, swears—

> He first treated the claimant for rheumatism the 1st of October, 1865, it then being of an inflammatory character; continued treatment until in the fall of 1870. I retired from practice in the spring of 1871, and have not treated him since, though he has been treated by other physicians to my personal knowledge.

Dr. J. W. Spence swears that he was the family physician of claimant for two years (1882–'84); has treated claimant for rheumatism; for one very severe attack in June, 1882.

The board of examiners at Lamar, Mo., under date of December, 1885, report no rating for rheumatism, but one-half for the disability caused by tumor of right knee, and one-fourth for that caused by disease of left ear; in all, three-fourths total.

After a careful consideration of the case your committee incline to the belief that the disability was contracted in the service, and therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 694.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2103.]

A similar bill to this was before your committee in the Forty-ninth Congress, which received favorable consideration by the committee and passed the Senate. We append and adopt the report of the committee made at that time:

The committee, in their investigation of this case, find that the claimant enlisted in Company K, Fifty-third Regiment Illinois Volunteers, March 21, 1864, and that he was discharged July 22, 1865. That he made application for pension August 3, 1877, alleging "disease of lungs and chronic diarrhea, from measles, at Camp Butler, Illinois, in April, 1864."

The claim was rejected by the Commissioner of Pensions on the ground of there being no record of chronic diarrhea or disease of lungs in service, and no medical or other satisfactory evidence in service or at discharge. The papers in the case, however, exhibit statements and affidavits which collectively tend to weaken the conclusion reached by the Commissioner.

Ira Young and F. M. Young testify to claimant's soundness prior to enlistment.

The claimant testifies—

"That he can not find any of his commissioned officers; that the regimental surgeon was reported killed in one of Sherman's marches; that he has had no family physician treat him since discharged; they all told him they could do him no good."

J. W. Bollinger testifies—

"That he has known claimant since 1865; has lived near him, and labored with him nearly all the time that the claimant was able to labor. He has been disabled by lung disease and chronic diarrhea more than one-fourth of the time. Has been totally disabled during last year."

C. W. Bollinger corroborates the above fully.

J. K. Tyler testifies—

"That he has known claimant intimately since 1878; that the claimant has been in his employ. He has suffered continually from lung disease and of bowels during that time; has been unable to perform manual labor during that period, frequently confined to house and bed for days at a time."

In response to call for additional testimony, claimant says—

"He was traveling all the time, trying to regain his health; that he was treated for his diseases at Camp Butler, Illinois, April and May, 1864, but not by any regimental surgeon; that he has been unable to furnish testimony of his commissioned officers, for the reason that he did not report to them, for fear of being sent from his command for treatment; that his physicians assured him that only time and a change of climate could benefit him, and for this reason never employed a physician."

Dr. Hibben, examining surgeon, in his report of examination made January 28, 1880, says disability probably permanent. Finds upon careful physical examination no abnormal condition of the lungs, but for second disability, chronic diarrhea, some little emaciation, tongue healthy, abdomen enlarged, and recommends a rating of three-eighths total, equal to $3 per month. The board of examining surgeons, under date of June 7, 1882, increases rating to one-half total, equal to $4 per month, and the board, under date of September 9, 1885, makes rating at three-fourths total. The medical examinations show clearly the existence of the disability at the present time, and the continuance since discharge is also clearly established, as well as his prior soundness. There is no suggestion of fraud, nor anything to justify the suggestion, if it were made.

Your committee are of the opinion that the claimant is entitled to a pension, and recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 695.

IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1741.]

*The Committee on Pensions, to whom was referred the bill (S. 1741) granting a pension to Patrick Flaherty, have examined the same, and report:*

The claimant was a private in Company G, Twenty-third Regiment Illinois Volunteers. He applied for a pension for injury to left leg, incurred by the falling of his horse when he was captured by the enemy, April 25, 1863.

The only testimony referring to the accident is that of Captain Wallace, of his company, who testifies to having witnessed the falling of the horse, but who destroys his testimony by a subsequent letter to the Pension Office telling quite a different story. The record reports show that he was captured April 25, 1863, without reference to the alleged accident; that he was at Annapolis Hospital July 19, 1864, but not for a disease that he could by any possibility have contracted in the line of duty; that he deserted July 21, 1864. He is next heard from in Alexandria Hospital, September 17, 1864, with intermittent fever or diarrhea or both.

The incurrence of the alleged injury to the leg is not proved; the record history is in some respects not creditable. There is no basis for a favorable report.

The bill is reported adversely, with a recommendation that it be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 696.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2128.]

The claimant under this bill is Mary H. Nelson, widow of John A. Nelson, deceased, who was a private in Company A, Fifteenth Regiment of Ohio Volunteer Infantry. The soldier served in the Army from August 9, 1861, to December 20, 1862, and from July 1, 1863, to July 3, 1865, a period covering in all three years, four months, and thirteen days. On April 13, 1885, the claimant made application for pension, alleging in her declaration her husband's death from chronic diarrhœa and results, which was established to the satisfaction of the Commissioner of Pensions, who, on January 30, 1886, allowed the claim at the rate of $8 per month, commencing April 13, 1885, the date of filing application.

From the papers it does not appear that soldier, in his life-time, ever made application for pension. There does not seem to be any claim pending before the Department that has met with adverse action. The claimant is in receipt of $12 per month, the amount paid by law to the widows of private soldiers.

The bill proposes to increase the pension in this case to $50 per month, in lieu of the pension she is now receiving, for which your committee can see no good reason, and therefore report the bill adversely, and move its indefinite postponement.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 697.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 800.]

The Committee on Claims, to whom was referred the bill (S. 800) entitled "A bill for the relief of Stewart & Co.," having had the same under consideration, respectfully report the same back to the Senate and recommend its reference, together with all accompanying papers, to the Court of Claims, in pursuance of the fourteenth section of an act entitled "An act to provide for the bringing of suits against the Government of the United States, approved March 3, 1887."

And for such purpose your committee report the accompanying resolution, and recommend its adoption.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 698.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 754.]

The Committee on Pensions, to whom was referred the bill (H. R. 754) granting increase of pension to Eliza B. Anderson, have examined the same and report it back with a favorable recommendation.

The appended report of the Committee on Invalid Pensions of the House of Representatives, which your committee adopt, is a fair and truthful statement of the facts in this case.

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The claimant under this bill is the widow of General Robert Anderson, the hero of Fort Sumter, and one of the most conspicuous and patriotic soldiers of the war of the rebellion. It is questionable whether in all history a more notable example can be found of courage, loyalty, and unswerving devotion to the principles of truth and justice than that displayed by Major Anderson.

In command of a fort on the coast of South Carolina, at the first outbreak of the rebellion, his relatives and friends strongly sympathizing with the Confederate cause, Major Anderson was subjected to a test of loyalty and patriotism such as few men have been required to meet. His forces were by him transferred from Fort Moultrie to Fort Sumter, and preparations made to defend both the property and the honor of the Government. A recent historian of the stirring events of that period (Horatio King) records the fact that General Beauregard wrote Major Anderson that if he would desert the fort all that would be required of him would be his word of honor as an officer and a gentleman that the fort with its armament and all public property should remain without any arrangements for its destruction; that company and side arms might be taken, and the flag saluted. To this request Major Anderson promptly replied: "If I can leave the fort only upon such a pledge I will never, so help me God, leave the fort alive."

It can readily be imagined how such sentiments, in the feverish state of the public mind, served as an incentive to rally the friends of the Union to renewed efforts to preserve the Government from the dangers which beset her. As bearing on this point we take the liberty to incorporate in this report certain letters written at that time to Major Anderson by distinguished citizens of the Republic, and which have not heretofore been published. The first is from Hon. Leverett Saltonstall, at present collector of the port of Boston. It is as follows:

BOSTON, *January* 3, 1861.

Major ANDERSON:

DEAR SIR: At a dinner-table to-day, around which sat good "Union" men, citizens of Massachusetts who love their country, your health was proposed. The toast was received with the greatest enthusiasm, and I was requested by those present to convey their warmest sympathy to you in your trying position, and to assure you of our earnest prayer that your noble endeavors for the integrity of our Government may be crowned with results which will call forth the gratitude of your countrymen far and near, as well as of future generations. It is indeed refreshing, in these sad days of demagogues, traitors, fanatics, idiots, and rascals in high places, to see one true man, who, occupying a most important and serious position, knows his duty and

most determinately fulfills it. Your name is a watch-word for patriots, and while you hold Fort Sumter I shall not despair of our noble, our glorious Union. I have the honor to remain, dear sir,

Very respectfully, your fellow citizen,

LEVERETT SALTONSTALL.

Hon. John J. Crittenden, of Kentucky, addressed Major Anderson in these patriotic words:

SENATE, *February*, 12, 1861.

MY DEAR ANDERSON:

I received your letter with the greatest satisfaction. The sentiments it contained are noble and characteristic of you.

You can have no reason for supposing that your removal to Fort Sumter had any effect whatever in exciting other States to secession, or in producing civil war. If that should be the result, let no such thought disturb you. The conduct of those States was determined by no such consideration. You did but your duty on taking possession of that fort, and if others made it the pretext for mischief, they, and not you, are responsible. In any way in which the subject can be viewed you are blameless.

You have been placed in a situation of great delicacy, responsibility, and peril, and you have acted with a judgment, firmness, and fidelity that has gratified and elated your friends, and has received the enthusiastic applause of your country. Your foes, if I must call the seceders such, can not but respect your honorable firmness and fidelity. They might have desired you to abandon your trust for the advantage of their cause, but had you done so, they could not have honored you in their hearts as they now must do. Go on, my friend, as you have begun. Act out the part that has fallen to your lot to the end. It is the end that gives character to human actions and puts upon them the seal of truth and honor. Your conduct has been the more conspicuous because of the many instances of weakness, or worse, in other public officers, who have allowed themselves to be overcome by soft words and flattering fallacies. Truth and honor are instincts of your nature, and you have followed their directions amidst difficulties and dangers.

I am proud to call you friend.

I have been struggling to preserve our old and glorious Union. So far I have not succeeded in the measure I proposed, but commissioners from many of the States are now assembled here to devise means of pacification and reunion. I indulge the hope and some confidence that they may lead to some amicable adjustment. If this can be accomplished to such an extent as will conform to the Union the adherence of the slave States that have not as yet succeeded, I shall hope that by their fraternal influence the seceding States may be won back to the Union.

I am a Union man. I condemn secession; all its sophistries do not move me, but I must still regard these seceders as countrymen; am attached to them as such, and many of them I love as friends, and I look forward with confidence to the not very distant day when they will be reunited to us under the glorious flag of our venerated Union.

Hoping that in some way you may soon be relieved from your present arduous position with increased and increasing honors, I am, as always, your friend,

J. J. CRITTENDEN.

ROBERT ANDERSON,
*Major, U. S. Army.*

And Mr. J. R. Sneed, a distinguished correspondent of the Savannah Republican, paid the following tribute to this heroic soldier:

REPUBLICAN OFFICE,
*Savannah, Ga., April* 19, 1861.

Maj. ROBERT ANDERSON:

In conformity to the promise made you on Sunday, I send you herewith a few copies of the Republican containing my letters from Charleston on the bombardment and surrender of Fort Sumter. It was impossible, under the circumstances, that the statements should be in all respects correct; yet I desired to make them so, and availed myself of every reliable source of information to that end. I can at least say that my account, though general, is far more correct, to the extent that it goes, than the elaborate narratives I have read in the Charleston papers, in which, to my own knowledge, are many palpable errors. I have sought to do you justice, not by fulsome laudation, but by a faithful statement of the facts, which are your complete vindication.

My blood boiled to-day when I read the infamous attack upon you in the New York Courier and Enquirer of the 15th instant. You will find some allusion to it in the papers which I send. As you would naturally feel a delicacy in appearing before the public in your own vindication, otherwise than in an official way, I would suggest that it may perhaps serve the cause of truth were you to procure the publication of

my letters in several of the leading New York journals. My friends, the Brookses, would take pleasure in giving them a place in the Express.

The administration, from all I can learn, have treated you shamefully, and as your defeat at Sumter was only their disgrace, they will doubtless be consistent and throw all the blame possible on your shoulders. I see symptoms of this already.

With great admiration for your prudence and valor throughout the trying circumstances in which you have been placed, and with the assurance that I shall ever be ready to defend your reputation as a soldier to the full extent of my humble abilities, and against all assailants,

I remain, dear sir, very respectfully and truly yours,

J. R. SNEED.

In a recent letter written to Mrs. Anderson by General W. T. Sherman occurs this memorable sentence:

"The firm stand taken by Maj. Robert Anderson in the harbor of Charleston, in the spring of 1861, as an example of patriotic action, was worth to the people of the United States more money than is now in the overflowing National Treasury."

Such a tribute tells eloquently the value of the services this heroic man gave to his country, and is especially valuable from the circumstance that it comes from one of the greatest soldiers of modern times, one of the few conspicuous figures who yet live to shed luster and renown upon the cause for which they fought. Comparatively recent letters, written by Hon. Hamilton Fish and General J. M. Schofield to Hon. Henry W. Blair, of the United States Senate, urging the passage of a similar bill to this, are herewith given. Mr. Fish says:

GLENCLYFF, GARRISON'S P. O., PUTNAM CO., N. Y., *June* 14, 1886.

MY DEAR MRS. ANDERSON:

Your letter of the 10th instant has been forwarded to me at this place, where I am passing the summer. I have written to Senator Blair, the chairman of the Senate Committee on Pensions, strongly urging favorable action, and placing my urgency wholly upon the ground of General Anderson's exceeding merit and claims upon the gratitude and the liberality of the country. I earnestly hope that the application may meet the favorable consideration of the committee and of Congress.

I am, my dear Mrs. Anderson, very sincerely and truly yours,

HAMILTON FISH.

And General Schofield, viewing the services of General Anderson largely from a military stand-point, adds his testimony, as follows:

HEADQUARTERS DIVISION OF THE ATLANTIC,
*Governor's Island, New York City, July* 9, 1886.

MY DEAR SIR: Understanding that an effort is being made to obtain from Congress an increase of pension for Mrs. Anderson, widow of the late General Robert Anderson, I beg leave to urge your most earnest efforts in favor of such action.

There is no name in our recent history which appeals more strongly to patriotic sympathy and affectionate remembrance than that of General Robert Anderson. Like George H. Thomas and Canby, Anderson should be held in memory as having merited the most generous action of the Congress and people of the country. I am informed that Mrs. Anderson is really in need of some additional means of support. Hence I earnestly hope that her just claim to the liberal action of Congress may receive early recognition.

Very respectfully and truly, yours,

J. M. SCHOFIELD.

HON. HENRY W. BLAIR,
*United States Senate, Washington D. C.*

It is perhaps unnecessary to add a single word. Impartial history will give to Maj. Robert Anderson a place among the greatest soldiers of the Republic, and in generations to come his loyalty and valor will be regarded as among the proudest possessions of our people. There was but one Fort Sumter; there was but one Robert Anderson; and this rich Government can not afford to deny to his widow and children a reasonable recognition of its appreciation and gratitude.

The bill asks that Mrs. Anderson's pension be increased from $50 to $100 per month. She is in comparatively indigent circumstances and feeble health, with a certainty that the years to come will bring to her increased destitution and physical suffering.

Recognizing the justice of the claim to increase this pension, your committee recommend that the bill be amended by striking out the words "during her natural life," and also by substituting for the words "one hundred" the word "seventy-five," and with these amendments recommend that the bill do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 699.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 183.]

*The Committee on Pensions, to whom was referred the bill (H. R. 183) granting a pension to the minor children of William Clark, have examined the same, and report:*

This bill passed the House on the 16th of March. It was first intended to pension the widow of the soldier, but she having remarried it was amended to pension his minor children. The following is the House report, which is adopted:

William Clarke was a private soldier of Company C, Fortieth Indiana Volunteers. He died February 11, 1882, and was a pensioner by reason of a gunshot wound of the right knee. Rebecca H. Clark applied for a pension as his widow, alleging that he died of inflammatory rheumatism of the heart, the result of the wound for which he was pensioned. The claim was rejected by the Commissioner of Pensions on the ground, as the medical referee stated, that it was not medically proven that his death was the result of his army service. The case was appealed to the Secretary of the Interior, and the following statement appears in his report:

"When the soldier died February 11, 1882, he was a pensioner by reason of a gunshot wound of the right knee. April 21, 1882, the appellant applied for a pension as his widow, alleging that he died of inflammatory rheumatism of the heart, a result of the wound for which he was pensioned. The claim was rejected January 12, 1883, on the ground that the soldier's death was not due to his military service, from which action the appeal is taken.

"J. R. McGee, examining surgeon, September 7, 1875: 'I find two scars, one 1½ inches above the other, just below the knee in front, entrance and exit of the ball as he states, the leg being firmly flexed on the thigh when he was wounded. The knee is larger and the leg longer and smaller than the left. There is anchylosis between the outer edge of the patella and femur. Friction is plainly felt by placing the fingers under the joint while moving it.'

"September 6, 1877, Doctor Keegan, about same as above, and further: 'I find the internal condyle was fractured and has united in such a way as to leave a small projection of bone at its lower border. The cicatrix at the point of entrance is quite tender. I would recommend that his pension be continued at total, or $8 per month.'

"Charles H. Davis, examining surgeon, November 21, 1879, same as above, and further: 'I find at present time that the leg is very much emaciated and the knee-joint partially anchylosed; the muscles of leg are soft. Soldier states that in the winter he is troubled with rheumatism in knee-joint; also, that joint is painful at all times. He also states there is increased emaciation and anchylosis of said joint. Disability permanent, and he is entitled to an increase of $2, making $10 per month.'

"December 6, 1882, Dr. I. McKenzie testifies that the immediate cause of soldier's death was 'embolism of the heart, usually termed heart-clot, induced by the septic condition of the blood as a direct result of a gunshot wound said to have been received in the service.'

"September 27, 1883, Dr. S. J. Ensley testifies: 'First saw soldier January, 1877, at Rock Creek, Kans. He was suffering from a gunshot wound in right knee, causing locomotive ataxia with atrophy of entire muscular system in said limb and the whole of right side. Actual cause of death, septic poison from wound. Wholly disabled; confined to his bed considerable portion of the time.'

"Affiant treated him at various times until his death. His disability was total, his whole right side having shrunken and become useless. He died under affiant's care February 11, 1882, from cause before stated.

"August 3, 1885, Dr. E. says: 'I have treated soldier before and during his last illness, and that the cause of his death was from rheumatism of the heart and general heart-clot, produced by gunshot wound, said to have been received while in the service of the United States, said wound being the cause of general rheumatism, which often affects the action of the heart, and was continuous from date of discharge.' And he further says that the said wound was a source of constant pain and other sympathetic trouble, which finally involved the heart's action.

"December 16, 1885, Dr. E. says about same as above, and further: 'The case was one of erysipelatous poisoning from re-absorptions from secretions from knee-joint, the heart-clot or embolism being the product of re-absorbed poisons, as the knee-joint, or wound, had been discharging continually since my first knowledge of the case, the same being of a highly inflammable character, and manifesting all the symptoms of chronic erysipelas, and, upon further research, do declare the probable cause of death to be from erysipelas poisoning from knee-joint as wounded.'

"Medical reference August 1, 1884: Change of action is recommended.

"May 6, 1887, medical reference: Respectfully returned to chief law division.

"In view of the facts shown by the medical evidence on file it is my opinion that the rejection of the widow's claim is correct from a medical standpoint. The Department having no higher medical authority to whom the case can be referred, your rejection is affirmed.

"Very respectfully,

"H. L. MULDROW,
"*Acting Secretary.*"

Your committee are constrained to admit that it is not "medically proven" that the wound caused the death of the soldier, but the presumption is so strong that they unhesitatingly say that the claimant should have the benefit of the doubt.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 700.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 7171.]

*The Committee on Pensions, to whom was referred the bill (H. R. 7171) to restore to the pension roll the name of Isaac Dilley, have examined the same, and report:*

This bill passed the House on the 16th of March. The following is the House report, and it is adopted:

Claimant served as private in Company H, One hundred and thirtieth Regiment Indiana Volunteers, from February 9, 1864, to December 2, 1865, when mustered out with his command. He was allowed a pension January 17, 1873, at $8 per month, for dislocation and fracture of left elbow, incurred at Nashville, Tenn., April 5, 1864. This rate was increased at different times, until May 21, 1885, he was allowed $24 per month. Subsequent to this adjudication information was obtained by the Pension Bureau tending to show that the injury was received prior to enlistment, whereupon the case was specially examined. Much testimony has been taken during the examination, and the purport of the same may briefly be stated in the language of the reviewer who acted upon the case prior to the dropping of the pensioner's name from the rolls. He says:

"There is no doubt—in fact claimant admits—he incurred an injury to his left elbow about 1855, which left said elbow 'slightly crooked.' He alleges that he was an able-bodied man up to enlistment, with the exception of the slight crookedness of left elbow. The only question to ascertain is, Did claimant receive a second injury to his left elbow during service and in line of duty which aggravated the injury incurred prior to enlistment?

"The claimant, who is of good character, a truthful, industrious man, makes a clear statement in respect to the incurrence of injury in service and in line of duty. He is supported in his statements by comrades and by Capt. Joseph C. Gresson, late of Company H, One hundred and thirtieth Indiana Volunteer Infantry, who says: 'He [claimant] was one among the best in the company, and never shrank from duty. * * * There was nothing in his appearance to indicate that there was anything the matter with his left arm either in drill or other duty until he went out on that detail [meaning the detail on which claimant alleges the injury was incurred], and he never had a sound arm afterward while I knew him in the service.'

"The evidence, in my opinion, establishes that claimant's left elbow was injured a second time, and said second injury was incurred in service. * * * The case of Daniel Lamon, Company I, Fifty-fifth Indiana Volunteers, ap. 403304, is believed to be exactly parallel to the one now under consideration. The honorable Commissioner, in ruling 181, says 'that his present condition is due to a pre-existing disability and its aggravation by military service and in line of duty.' From the above-cited reasons I am of opinion the claim is not a fraud, and claimant's name should not be dropped from the pension roll."

The re-reviewer, however, took a different view of the case, prejudiced apparently because of the claimant's failure in the first instance to make known his first injury, and his judgment prevailed; the name was dropped from the rolls, and this action sustained by the Secretary of the Interior November 7, 1887. After a careful examination of all the evidence in the case, your committee concur in the opinion of the reviewer above quoted for the reasons therein set forth.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 701.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 2078.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2078) granting a pension to Charlotte T. Clark, have examined the same, and report:*

This bill passed the House on the 16th of March. The report, which is full and explicit, is adopted, and is as follows:

The soldier, Bela T. Clark, enlisted August 10, 1861, and was discharged July 14, 1862, and died January 10, 1873, and he held the rank of captain at that time. He drew a pension in his life-time, which was allowed him on the ground of diarrhea.

B. F. Gray, second lieutenant of the company, testifies to the origin of diarrhea; that at the time the soldier was furloughed, May, 1862, he was so weak and emaciated as to be perfectly helpless on account of said disease; that he had been with the soldier ever since 1864, and that he had never been free from chronic diarrhea, and that just before his death he suffered very much from this disease, so as to require constant medical treatment.

Dr. Keyser, who was examining surgeon, two months before soldier's death testified that he was the family physician of the soldier ever since the summer of 1860, and when he saw the soldier in 1862 he was suffering from chronic diarrhea; that he treated him at that time, and that the disease continued almost uninterrupted up to 1863; that it never has been cured, and that he believes it never will be, and that the soldier's constitution is broken down by the disease, and that the suffering of the soldier is from the effects of diarrhea.

In 1878 B. F. Clark testified that he knew of his own personal knowledge that the soldier was suffering with the disease since the war, and that he was constantly wearing out under the disease, and that in 1872 he was very feeble and confined much of the time to his room. These facts are fully sustained by other witnesses. The witness Clark further testified that the soldier contracted a cold, which, in his feeble condition, settled upon his lungs and throat, and carried him off. This witness says that if the soldier had not been rendered so feeble by diarrhea the cold would not prove serious at all.

Worcester testifies that the soldier, from the disease of camp diarrhea, became so emaciated that he was almost a walking skeleton, his constitution entirely undermined, and all vital force of resistance to disease gone, and that diarrhea was, at least, the remote cause of his death.

Dr. Ellis testifies that in 1868 he knew the soldier, and that he had chronic diarrhea, which rendered him unfit for any labor; that to the date of the death of the soldier there was a gradual decline in his physical powers from continual exhausting process of chronic diarrhea, and from this cause his death was assured at no distant period, and that the cause of the death of the soldier, in the opinion of Dr. Ellis, was chronic diarrhea, although he had pneumonia at the time, which was, perhaps, the immediate cause.

Dr. Keyser testifies that there was a total physical disability from chronic diarrhea, which destroyed the forces of resistance of the vital powers, and that it is his opinion that the soldier could recover from his last sickness had it not been for the inroads of chronic diarrhea, and that he had the chronic diarrhea since he came out of the service. That from early in August, 1872, to the date of the death the soldier had diarrhea continuously, and that without doubt the chronic diarrhea was the remote cause of his death, and that his life was wholly exhausted at the time of the attack of pneumonia.

**The bill is reported favorably, with a recommendation that it do pass.**

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# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 822.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Miles S. Scribner, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is adopted, and is as follows:

Soldier enlisted for three years May 28, 1861, and was discharged September 19, 1861; the surgeon giving as a reason for his discharge that he was superannuated and had hip disease. On August 23, 1881, he filed a declaration for a pension, alleging that he received an injury to the right hip at Arlington Heights, Va., on or about the 20th of August, 1861, while in battalion drill, marching double-quick, by stepping on a piece of wet, slippery bark, and falling in such a manner as to seriously wrench and injure the right hip.

The claim was rejected on the ground that soldier had failed, after being afforded a special examination, to prove incurrence of the alleged injury in service, the decision of the medical officers being evidently influenced by the admission of the soldier, when asked if he had ever been injured prior to enlistment, that he did fall and injure his back eight years before entering the Army, claiming, however, that that injury was a trifling affair, and no proof was produced to make it appear otherwise. The presumption is formed that this injury was taken into account in deciding the case, for the reason that the record of rejection closes with the words, "he admits injury to back eight years prior to enlistment."

Soundness at enlistment was proved by overwhelming medical and lay testimony, and Dr. S. B. Morrison, late surgeon of the Second Maine Volunteers, testified that the hospital records showed that claimant was under treatment for inflammation of the tissues around the hip joint in August, 1861, and for rheumatism in September, 1861.

Two comrades, John H. Sargent and Warren Day, testify that they were with soldier when he received the injury, and other comrades testify that it was a matter of general repute in the company that he had been injured as alleged. The reputation of the comrades who testified to personal knowledge was found to be good by the special examiner.

It is proper to say that there are some minor discrepancies between the statement of claimant and certain other members of his company, but when it is considered that he did not apply for pension until twenty years after the alleged injury this is not to be wondered at. When asked by the special examiner why he did not apply for pension sooner he promptly replied:

"Because I hated to do it. I had some personal pride, and didn't want to be a Government pauper."

The case was submitted to Special Examiner C. W. Kirkpatrick in September, 1884, who made an exhaustive investigation of the matter, calling many witnesses. He reported to the Department that he was satisfied claimant was sound prior to enlistment; that he in some way became lame while in service, and that he had been continuously lame ever since. He recommended that the claim be further investigated at Danforth, Me.

This further investigation was conducted by Special Examiner Z. R. Warner, and after hearing testimony he reported that "it is my opinion that the claim for injury

to hip is made out." As a result of these two investigations Special Examiner Kirkpatrick made report to the Department as follows:

"I think the case for injury to hip has been made out. I recommend admission for injury to hip."

Notwithstanding this recommendation of the special examiner the claim was rejected, evidently largely from the fact that claimant himself admitted receiving an injury eight years before enlistment, but which injury was trifling and of little consequence.

Soldier is now seventy-six years of age. He says in a letter:

"I have exhausted my means in an effort to obtain what I believe to be my just dues from the Government. Had I been arraigned for murder, and as good proof of my guilt been furnished as I have furnished to substantiate my claim for a pension, I should have been consigned to prison for life or to the gallows."

He had three sons in the Army. One died in service and is buried at Arlington Heights, one died from wounds after reaching home, and the other had his health permanently destroyed by being confined in a rebel prison for ten months and a half.

The case certainly is one that deserves consideration at the hands of Congress.

**The bill is reported favorably, with a recommendation that it do pass.**

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 703.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 824.]

*The Committee on Pensions, to whom was referred the bill (H. R. 824) granting a pension to Isaiah G. Mayo, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is adopted, and is as follows:

In the early part of August, 1864, the United States Sanitary Commission's steamer *S. E. Browne* was fired upon from the river bank while she was proceeding up the James River from City Point. There were on board several of the Commission's force, both male and female, together with convalescent soldiers. Of these, one man was instantly killed, one mortally wounded, and Mr. Mayo was shot through the hip and side, from the effects of which he has never recovered.

Mr. Mayo was a duly accredited agent of the Sanitary Commission. His sworn statement, annexed to his report, is abundantly corroborated by evidence filed with the committee. Among the exhibits are certified copies of letters now in existence and deposited with the archives of the United States Sanitary Commission in the Astor Library in New York; also statements by several persons connected with him in the work of the Commission, including Hon. John A. Anderson, a member of this House.

It is conclusively shown that the trip when the boat was assailed was not a pleasure excursion, but was under direction of the agent in charge, and partially for the purpose of visiting the gunboats stationed above City Point and supplying their needs so far as they came within the scope of the Commission.

The present disability of Mr. Mayo is shown by lay testimony and also in the affidavit of Dr. Louis C. Ford, which is printed with this report.

This man was not an employé of the Government, either civil or military, but was one of a noble corps of men and women whose services, while gratuitously rendered, were of inestimable value in ameliorating the sufferings of the sick and wounded, and were recognized as a most important adjunct of our armed forces.

An exception to the rule of this committee against granting pensions to civil employés has been uniformly made in favor of those wounded in action. It seems to us that there are even stronger equities in the case of this man who was shot down in the performance of duties rendered without money and without price to the Government.

Your committee adopt the report of the committee of the Forty-ninth Congress as above.

## APPENDIX

I, Isaiah G. Mayo, residing in Milo, county of Piscataquis, State of Maine, forty-five years of age, on oath depose and say:

That during the year of 1863 and a part of 1864 I was studying medicine at the Hygienic Institute, 15 Laight street, New York City, assisting to help defray my expenses. At the close of the term I had an *offer of a situation* as agent in the United

States Sanitary Commission and accepted, intending to return when I had fulfilled my engagement and continue my studies at Bellevue. About July 2, 1864, I was ordered to report to City Point, Va. When I arrived I was assigned to duty at the Cavalry Corps Hospital; a few days later was transferred to the Ninth Army Corps Hospital, at the station, under charge of Mr. Ezra Rounds, Hon. Frank B. Fay being superintendent. My duty was general sanitary work. The sick and wounded were brought in very rapidly, the heat was intense, the work very hard, and a large portion of the agents were feeling the effect; some died and some went home sick. Under these circumstances Dr. Parish, acting as superintendent in the absence of Mr. Fay, who was home on a furlough, deemed it necessary that as many as could be spared should have a change for a few hours. Accordingly the sanitary supply steamer *S. E. Brown* was ordered to report to the hospital landing. She took on board as many of the agents as could be spared, some convalescent soldiers, and several ladies.

We were to visit the gunboats, to ascertain if any supplies were needed. When about 8 miles from City Point, at Turkey Bend, we were fired on by rebel guerrillas on shore. The second engineer was instantly killed, a sanitary agent mortally wounded, and I received a dangerous wound, from the effects of which I have never recovered. Two gunboats came to our relief and shelled the shore, one guarding us back to City Point. Our wounds were dressed by Dr. Thomas Haight, formerly of the Sanitary Commission, and Dr. W. J. Swalm, formerly surgeon in the Nineteenth New York Volunteers. I was removed to Baltimore, to the Sanitary Home, Dr. Swalm accompanying me; afterwards removed to the Institute, at 15 Laight street, New York City, Mr. A. G. Potter taking charge of me to that place.

I remained there until some time in the fall—October or November—when I left for my home in Maine. At this time two nurses, Mary and Sarah Holland, being about to come to their home in Auburn, I was sent along in their charge. I was so exhausted when we arrived there that they did not think it safe for me to go farther without resting, and I remained with them at their residence several days.

I suffer continually from lameness in the back, and at times experience great difficulty in stooping or remaining long in one position, and often am obliged to lie down for an hour or more during the day, and within the last few years my suffering has increased.

ISAIAH G. MAYO.

DECEMBER 14, 1886.

STATE OF MAINE, *Piscataquis, ss:*

Personally appeared Isaiah G. Mayo and made oath to the truth of the foregoing by him signed.

[SEAL.] HENRY B. FLINT,
*Clerk Superior Judicial Court.*

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This certifies that I have examined the condition of Isaiah G. Mayo, of Milo, Me., with the following result:

Inspection shows scar of gunshot wound of the back, the ball entering above the right sacro-iliac articulation about 2 inches from the median line, passing through the origin of the lumbar muscles and coming out through the crest of the left ilium 7 or 8 inches from the point of entrance. The spinous processes of the lumbar vertebræ in the track of the ball are injured, and there is much thickening and infiltration along the crest of the ilium from the spine to the point of the bullet's exit.

The muscles of the back are very much weakened in consequence of this injury, and Mr. Mayo is unable to take long rides, to lift, or to perform heavy manual labor. And also from the injury to the spine, or from the thickening of the tissues around the roots of the spinal nerve, the sensation is impaired in the lower extremities. He complains also of dullness and a feeling of weight in the head.

I further certify that I have no interest in his application for pension.

MILO, ME., *November* 18, 1886.

LOUIS C. FORD, *M. D.*

STATE OF MAINE, *Piscataquis, ss:*

Personally appeared the within-named Louis C. Ford and made oath that the within statement by him subscribed is true; and I certify that the within-named L. C. Ford is a regular practicing physician in good standing. I am disinterested.

[SEAL.] GEO. W. HOWE,
*Justice of the Peace.*

STATE OF MAINE, *Piscataquis, ss:*

I, Henry B. Flint, clerk of all the judicial courts in said county, certify that George W. Howe, esq., is, and was at the date of his certificate, an acting justice of the peace in and for said county, duly commissioned and qualified to act as such; and that the

signature to the paper annexed, purporting to be his, is genuine, and that he is duly authorized and empowered, by the laws of said State, to administer oaths, to take depositions, acknowledgment of deeds, assignments, and powers of attorney, and that the annexed instrument is executed and acknowledged according to the laws of this State.

In testimony whereof I have hereunto set my hand and affixed the seal of the supreme judicial court for said State this 7th day of December, in the year of our Lord one thousand eight hundred and eighty-six.

[SEAL.] HENRY B. FLINT,
*Clerk.*

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 704.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 4633.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Morris T. Mantor, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is as follows, and is adopted:

Mantor enlisted in Company F, Eighteenth Wisconsin Volunteers, February 25, 1864, and was discharged July 18, 1865. On July 3, 1880, he filed an application for pension, alleging that he contracted dropsy in the service, and had his eyes injured by the explosion of ammunition at Columbia, S. C., about February 18, 1865. The application was rejected by the Pension Office on the ground that disease of eyes existed prior to enlistment, and that the medical examination failed to show a rateable degree of disability from dropsy.

The rejection of the claim for diseased eyes was based upon a special examination of the case, during which it appeared that claimant some years prior to the war suffered for a short time from what was known in his region as "prairie sore eyes," a disease then very common on the prairies of the West. It is claimed, however, on the part of the soldier, and in this he is corroborated by a number of neighbors, that he had entirely recovered therefrom a long time before enlistment.

Capt. Joseph W. Roberts, of claimant's company, testifies that he refused a number of recruits, but was glad to get him because of his fine physical condition; saw him after the explosion at Columbia, when his eyes were sore and inflamed, and he complained of his side. Affiant heard the explosion; it shook the building he was in; many were wounded and some killed; noticed that claimant was bloated. Inasmuch as claimant was on detached service at the time of the injury, eye-witnesses thereto can not be procured.

Jacob Gore, a respectable citizen of Rock Elm, Wis., testifies that he was living in the same house with claimant prior to August, 1862; had been living there for two years, and knows that during that period he was a very strong, efficient man, free from any ailment, weakness, or complaint, dropsical or otherwise, with a capacity for manual labor very much above the average man; saw him next in November, 1864, on Sherman's march to Savannah, and also in December, 1864, when he appeared all right, well and sound in his eyes; saw him again in March, 1865, when his eyebrows were scorched and the eyes inflamed and sore, which he then attributed to the explosion at Columbia, S. C.; saw him next in July, 1865, his eyes were then sore and inflamed, and his general health was poor.

The records of the War Department show treatment for malarial troubles prior to the alleged injury, and for debility and dropsy from venal disease subsequent thereto.

It is clearly shown by the evidence filed in the case and the testimony obtained by the special examiner that the claimant at date of his return home was seriously afflicted with sore eyes and dropsy, and has been a sufferer therefrom ever since.

The last medical examination, March 21, 1883, finds one-half total for disease of eyes, but no physical signs of dropsy or disease of stomach.

The Senate passed a bill for the relief of this claimant during the last Congress, but it was not reached for action by the House.

While it is true that some adverse testimony was given before the special examiner, yet your committee are clearly of opinion, that the weight of the evidence is strongly in favor of the claimant, and that he should receive a pension for disease of eyes and such other disabilities as may by another medical examination found to be reasonably chargeable to the dropsical condition shown by the record to have existed during the latter part of his service.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 705.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill S. 164.]

*The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 164) providing for the erection of a public building in the city of Pawtucket, R. I., have considered the same, and respectfully report:*

Strike out in the twelfth line of the bill the words "one hundred," and insert in lieu thereof the word "sixty;" also insert in the sixteenth line of the bill, after the word "of," the word "sixty."

The appropriation proposed in the bill, as amended, is for the purchase of a suitable site and the erection thereon of a substantial public building at Pawtucket, R. I.

It appears that the Government is now paying an annual rental of $1,250 for accommodations that are entirely inadequate. The city has about 40,000 inhabitants, is growing rapidly, and the business of the post-office, as shown by a statement prepared by the postmaster, is increasing every year. The total sales during the year 1887 were $24,761.80.

Your committee report the bill back, and recommend that the same, as amended, do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 706.

# IN THE SENATE OF THE UNITED STATES.

MARCH 21, 1888.—Ordered to be printed.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, submitted the following

# REPORT:

[To accompany bill H. R. 7264.]

*The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7264) to authorize the purchase of a site and the erection thereon of a suitable building for the post-office, custom-house, internal-revenue office, and other Government buildings at the city of Bridgeport, Conn., submit the following report:*

This bill has passed the House of Representatives at the present session of Congress. It was reported to the House by the Committee on Public Buildings and Grounds of that body. The report of that committee is as follows:

The city of Bridgeport, situate on Long Island Sound, in the county of Fairfield, Conn., is third, if not the second, largest city in the State. It is rapidly increasing in population and commercial importance, and is destined in the near future to be one of the largest cities in Connecticut. It is 56 miles eastward of New York, on the line of the Consolidated Railroad, and one of its principal points of freight and passenger traffic. It is also the terminus of two important and prosperous railroads, viz, the Housatonic and the Naugatuck. The population is now estimated 47,686. It has 98 daily passenger trains, and the amount of freight received in 1887 was 259,952 tons, and the amount forwarded, 341,236 tons. Total number of car-loads of freight in 1887 was 60,119; average daily, 194. A very large amount of freight is also received and forwarded by steam-boats and other craft. The total number of vessels arriving at Bridgeport in 1887, 13,823. It is also the seat of large manufacturing interests; 7 principal manufacturers employ 4,485 hands, and paid in wages in 1887, $2,764,760, and the market value of their finished products was $13,366,767.

CUSTOM-HOUSE STATISTICS—PORT OF BRIDGEPORT.

| | |
|---|---|
| Duties collected from July 1, 1887, to December 31, 1887 | $7,384.39 |
| NOTE.—The receipts of the custom-house have increased largely since Bridgeport has been made a port of original entry, and it is estimated that the receipts for the year ending June 30, 1888, will exceed $20,000. | |
| Number of vessels entered from foreign countries in 1887 | 11 |
| Number of vessels cleared for foreign countries | 9 |
| Estimated number of coastwise steamers arrived | 4,700 |
| Estimated number of other vessels arrived | 3,650 |
| Estimated number of steamer and other vessels departed | 8,350 |
| Estimated tonnage | 1,250,000 |
| Estimated value of cargoes received | $40,500,000 |
| Estimated values of cargoes shipped | $41,000,000 |
| Estimated number of vessels entering Bridgeport Harbor as a port of refuge | 1,200 |
| Estimated duties to be collected for fiscal year ending June 30, 1888 | $20,000 |

POST-OFFICE STATISTICS.

The post-office at Bridgeport, in addition to distributing the local mail, is also a distributing office for Easton, Plattsville, Huntington, Nichols, Black Rock, and West Stratford post-offices, and a terminal office for the Housatonic Railroad and the Naugatuck Railroad.

The office is a first-class post-office, and employs 13 clerks, headquarters for 8 postal clerks, and has 18 letter-carriers, and 1 special-delivery messenger.

The net income of the post-office at Bridgeport for 1882 was $17,000 more than the gross income of 1876. The post-office receipts for the year ending June 30, 1885, were $48,468, and the receipts from January 1, 1887, to January 1, 1888, were $56,556.06, and it is estimated that the receipts for the year ending June 30, 1888, will be over $60,000.

The rent paid for post-office accommodations in 1865 was $300.

The rent paid for post-office accommodations in 1887 was $3,087.50. The amount of rent will be largely increased in the immediate future, owing to the rapid increase in population and business, and the consequent necessity for additional accommodations.

The business transacted by the Department during the past year is as follows:

| | | |
|---|---|---|
| First, third, and fourth class matter | pieces.. | 7,406,671 |
| Second class—weight | pounds.. | 85,911 |
| Second class | pieces.. | 1,116,843 |
| Registered letters | number.. | 46,586 |
| Money-order and postal-note transactions | do.... | 24,959 |

Rank of Bridgeport post-office in proportion to the other post-offices of the United States is thirty-seventh; ninety-seven have Government post-office buildings.

The facilities of the present office are entirely inadequate for the post-office business. There is no public building in Bridgeport, and the absolute wants of the post-office and custom-house business, as well as the needs of the public, require that a suitable building should be erected by the Government for the purpose of meeting such wants. Your committee, in consideration of the foregoing facts, report the accompanying substitute for bill H. R. 1266, and recommend its passage.

Your committee recommend that the bill be amended by inserting after the word "hundred," where the same occurs in the eleventh line, the words "and fifty;" also by inserting after the word "hundred," where the same occurs in the twentieth line, the words "and fifty," and that, as amended, the same do pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 707.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. FRYE, from the Committee on Commerce, submitted the following

## REPORT:

[To accompany bill S. 1483.]

*The Committee on Commerce, to which was referred the bill (S. 1483) "for the registry of the barges Albert M. Condor and Adelante," having considered the same, report:*

The Treasury Department has refused to grant a registry to the barges named in the bill, on the ground that they, or the vessels from which they were converted into barges, were not wrecked in American waters. There is no question that the requisite "three-fourths of the cost of the vessel when repaired" has been expended by the purchaser.

It appears from the statement of the case that the vessels named in the bill were not actually wrecked in American waters, but, being old, they were rendered by stress of weather unseaworthy and unfit for navigation. The Attorney-General of the United States, in an opinion dated December 5, 1877, held that the word wrecked, as used in section 4136, Revised Statutes, is applicable to a vessel which is disabled and rendered unfit for navigation, whether this condition of the vessel has been caused by the winds or waves, or by any other casualty.

The committee are of the opinion that there will be no departure from the intent of the law if the registry asked for in this case is allowed, and therefore recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 708.

IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1749.]

*The Committee on Pensions, to whom was referred the bill granting a pension to Wealtha Young, have examined the same, and report:*

The applicant is the widow of James B. Young, late of Company F, One hundred and seventh New York Volunteers. He enlisted July 28, 1862, and was discharged July 29, 1865. The soldier died September 24, 1885, the immediate cause of his death being *tubercular enteritis*, or disease of the bowels. In 1881 the soldier had filed an application for pension, alleging extreme nervous debility, resulting from sun-stroke. This was approved for admission by the Department, and the origin accepted. When the widow applied for a pension in 1886 it was refused on the ground that the disease of which the soldier died was not traceable to his service. Both the soldier's physicians were pronounced in their opinion that the immediate cause of his death was attributable to his extremely debilitated condition, and the other evidence tends to substantiate this fact.

After a careful examination the committee is convinced that the claim is a just one, and therefore recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 709.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1159.]

*The Committe on Pensions, to whom was referred the bill (S. 1159) granting a pension to Alphonso H. Melendy, have examined the same, and report:*

The applicant was a private in Company K, Thirty-sixth Massachusetts Volunteers. He enlisted August 27, 1862, and was discharged June 26, 1865. June 16, 1879, he filed a declaration wherein he alleges that while in the line of duty at Vicksburg he contracted fever and ague and chronic diarrhea, and while at Crab Orchard sustained a rupture by falling in a ditch while bringing a rail for fire-wood.

In an affidavit filed December, 1884, he waived his claim for pension for malarial fever and chronic diarrhea. The Department rejected his claim May, 1886, because there was no record at the War Department showing treatment for hernia, and he was unable to prove that the injury was incurred in the service. The applicant alleges that he was not with his regiment at the time of the accident, but was in convalescent camp, and that the only one who knew of his rupture at the time was his tent mate, who has since died. The man's reputation for reliability is substantiated by responsible persons, and the board of surgeons gave him a total rating for hernia, and as the origin is the only point in dispute, and as it is fair to presume that the soldier would have felt a delicacy in calling the attention of his comrades to his injury, the committee, after a careful examination of the evidence, recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 710.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1815.]

*The Committee on Pensions, to whom was referred the bill (S. 1815) granting a pension to Eliza J. Booth, have examined the same, and report:*

The applicant is the widow of David H. Booth, late of Company B, Fifty-sixth New York Volunteers. The soldier filed an application for pension in October, 1879, wherein he alleges injury to spine sustained by the falling on his back of a heavy log while building a road. Pension was allowed him at the rate of $4 per month from discharge to June 9, 1881, and at $8 per month thereafter until his death, which occurred March 23, 1882.

The widow filed a claim for a pension in 1882, and as it is still under consideration by the Department, the committee recommend that the bill be not passed.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 711.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1489.]

*The Committee on Pensions, to whom was referred the bill (S. 1489) granting a pension to James S. Tillson, have examined the same, and report:*

The applicant was a private in Company E, Second Rhode Island Volunteers. He enlisted September 22, 1862, and was discharged June 20, 1865.

He filed an application for a pension December 7, 1872, alleging hernia sustained while carrying dead from the battle-field. The application was rejected in November, 1879, because there was no record of the alleged hernia, and the claimant was unable to furnish any evidence showing origin or existence of same in the service. On appeal to the Secretary of the Interior the action of the Department was affirmed.

While the report of the examining surgeon shows the existence of hernia, there is no evidence showing its incurrence in the service, and the committee therefore recommend that the bill be not passed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 712.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1183.]

*The Committee on Pensions, to whom was referred the bill (S. 1183) granting a pension to Thomas W. Walker, have examined the same, and report:*

The applicant was a colonel in the One hundred and eleventh Pennsylvania Volunteer Infantry. He enlisted December 23, 1861, and was discharged July 19, 1865. His declaration, wherein he alleges gunshot wound over left eye, and rheumatism, was filed January 30, 1883.

The Commissioner of Pensions, in his communication transmitting papers, states that the claim is still pending, awaiting the consideration of medical evidence filed on the 8th instant (February).

In view of this fact the committee recommend that the bill be not passed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 713.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1154.]

*The Committee on Pensions, to whom was referred the bill (S. 1154) granting a pension to Ann E. Brown, have examined the same and report:*

The applicant is the mother of John W. Brown, who was a first lieutenant in the military organization of Missouri known as the Perry County Company. The applicant applied for a pension in 1880, alleging that the soldier died in October, 1867, of chronic diarrhea contracted in the service. Her claim was rejected in August, 1882, "on the ground that the claimant's son was not in the United States service when he contracted the fatal disease," the company to which he belonged being a State organization, created and controlled by the State, and never accepted into the military service of the United States.

In view of this fact the committee recommends that the bill be not passed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 714.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 1930.]

Lieut. D. C. Smith, of the One hundred and fifth New York Volunteers, seeks to be restored to the Army rolls, with honorable discharge.

It appears from the evidence in the case that D. C. Smith was commissioned a lieutenant in the One hundred and fifth New York Volunteers at the beginning of the war and served with that regiment until September, 1862. When his regiment passed through Georgetown he left it and went to a hospital, averring sickness. He claimed to have remained there a week or ten days and to have rejoined his command, and subsequently to have resigned because of jealousies, bickerings, etc., in his regiment, growing out of the consolidation of his with another regiment.

The records of the War Department show the following:

(1) Order for arrest of Lieut. D. C. Smith, signed by General G. B. McClellan, as follows, to wit:

HEADQUARTERS ARMY OF THE POTOMAC,
*October* 7, 1862.

Respectfully forwarded to the Adjutant-General of the Army.

See letter of Brigadier-General Duryee.

It is recommended that Lieutenant Smith be arrested by the special provost-marshal of the State of New York and sent to his regiment for an investigation of his conduct.

G. B. MCCLELLAN,
*Major-General, Commanding.*
By JAS. A. HARDIE,
*Lieutenant-Colonel, A. A. A. G.*

(2) A recommendation for the dismissal of Lieut. D. C. Smith for charges specified, as follows:

ADJUTANT-GENERAL'S OFFICE, *October* 16, 1862.

Respectfully submitted to the Secretary of War.

The acting adjutant of the One hundred and fifth Regiment New York Volunteers, "Lieutenant Smith," has been guilty of neglect of duty in failing to obey the orders of the Secretary of War when called upon to furnish the final statements of this man (meaning Musician McCarthy), and has made an improper use of the letter to the commanding officer.

For this and for being absent without leave, it is recommended that he be dismissed the service, with loss of all pay and allowance which may be due him.

L. THOMAS,
*Adjutant-General.*

(3) General Orders, No. 195, dismissing Lieut. D. C. Smith from the service of the United States, as follows:

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
*Washington, November* 24, 1862.

[General Orders, No. 195.—Extract.]

The officers enumerated in the subjoined list, having been officially reported and their dismissal recommended by their respective commanders for the causes stated, it is ordered that they be, and they are hereby, dismissed from the service of the United States, to take effect November 22, 1862.

* * * * * * *

Dismissed with loss of all pay and allowances that are now or may become due.

* * * * * * *

David C. Smith, first lieutenant, One hundred and fifth New York Volunteers, neglect of duty and absence without authority.

* * * * * * *

By order of the Secretary of War.

E. D. TOWNSEND,
*Assistant Adjutant-General.*

(4) Honorable discharge of Lieutenant Smith, after his resignation, as follows:

HEADQUARTERS LEFT GRAND DIVISION,
*Near Stafford Court-House, November* 23, 1862.

[Special Order No. 7—Extract.]

* * * * * * *

(2) The following-named officers, having tendered their resignation, are honorably discharged from the military service of the United States.

* * * * * * *

First Lieut. D. C. Smith, 105 New York Volunteers.
By command of Major-General Franklin.

E. R. PLATT,
*Lieut. Col., and A. A. A. G.*

Although twenty-five years have elapsed, the records do not show any previous application for restoration to the rolls with honorable discharge.

Lieutenant Smith was dismissed the service October 22, 1862, and his resignation accepted on the following day; which shows that in point of fact he was really out of service at the time of the acceptance of his resignation.

The records do not show him to have been subsequently connected with the Army.

The committee are of opinion that the dismissal and resignation are in point of time so close to each other, that the resignation must have been tendered to avoid a dismissal.

The record also shows that he was charged with disobedience of orders, as well as being absent without leave, and was ordered to be arrested in New York by order of General McClellan, and that his resignation took effect subsequent to his return to the regiment under said order.

The committee are further of the opinion that there was no just and reasonable excuse for his violation of orders by being absent from his post of duty. No satisfactory reason is now offered why he should, after a lapse of more than twenty-five years, be restored to the rolls.

The committee therefore report adversely, and recommend that the bill do not pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 715.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 2394.]

*The Committee on Military Affairs, to whom was referred the memorial of Beverley Kennon, asking authority to construct a counterpoise battery on the Potomac River, below Washington, have considered the same, and they beg leave to report:*

That the memorialist submitted to the committee his model for the proposed battery, together with his letters patent on his invention, and these were accompanied by very strong recommendations of the plan from high authorities. Extracts from the recommendations given are submitted, in order that the Senate may judge what value is to be placed on the opinions of experts on questions of this kind.

On May 17, 1880, General W. T. Sherman wrote "recommending the experiment of one such counter-sunk land turret, calculated for the XV-inch sea-coast guns, say at Fort Hamilton, New York Harbor." The plan proposed by Mr. Kennon has been tested by one practical experiment, for he constructed one of his batteries at Alexandria, in Egypt, and in the bombardment of that city by the English it was the only work that escaped destruction. In the report of the attack on that city, made by Lieutenant-Commander Goodrich, the following reference to this battery was made:

> In addition there were the 9-inch M. L. R. on a Moncrieff carriage, and the B. L. R. 40-pounder Armstrong on Kennon's lift carriage. This last gun is not shown on either plan. * * * The mounting of this piece is on a simple and ingenious plan. * * * It is proper to recall the words of Capt. Hunt Grubbe's official report: "One rifled gun in the hospital earthworks, which it was impossible to dismount, being invisible, did us great damage."

This 40-pounder Armstrong gun in the hospital works was in Kennon's Fort, and may have been the gun referred to.

On May 17, 1882, the United States consul-general at Alexandria wrote the subjoined letter to Mr. Kennon:

> CONSULATE OF THE UNITED STATES,
> *Alexandria, Egypt, May* 17, 1882.
>
> MY DEAR KENNON: To serve you I rode down to Ras-el-Tin this morning to look at your subterranean fort. I need scarcely say it was under a heavy fire, wedged in between Ras-el-Tin and water batteries. It has been untouched, but all around is devastation and death; * * * guns are smashed, dismounted, knocked about in every direction. Ras-el-Tin, Ada, Kaid Bey, Mex, Marabout, etc., all a wreck, except Kennon's Fort, untouched. I am sure this will please you. I watched it through a tempest of fire. * * * *I really think that Sir Beauchamp* Seymour would have

been forced to retire and many of his great ships sent to the bottom if all Ras-el-Tin, Mex, etc., had been invisible forts. * * * I have only time to assure you that your fort only of all the defenses of Alexandria is intact. * * *

Very truly, your friend,

CHAS. C. LONG,
*Acting Consul-General and Agent.*

The following letter was addressed to Mr. Kennon by Mr. Rendel, the partner of Sir W. Armstrong:

NEWCASTLE-ON-TYNE, *27th May*, 1872.

DEAR SIR: I am ooliged by your letter of the 8th instant, which I received on my arrival in England a few days ago. I did not visit the forts in Alexandria to see your model gun-pit, but it was shown me during my visit as one of the principal objects of interest there. I am much interested in the Moncrieff carriage, and in the various other plans which have been suggested for effecting the same objects, and I was very glad to see a good practical trial of a lifting and lowering platform, even though, as you say, on a scale of little more than a large working model.

Believe me to be, faithfully yours,

S. W. RENDEL.

In a letter from General Viele of date of May 8, 1887, to Mr. Kennon, the following language is used:

I believe that eventually this will be found to be the most effective and economical mode for national defense against iron-clad vessels that can be adopted.

Very respectfully, etc.,

EGBERT G. VIELE.

The committee are informed by Mr. Kennon that Mr. Rendel, whose letter is given above, has adopted the lifting platform invented by Kennon, and that many of these platforms have been sent to Australia. We learn from the same source that the German Government has used these forts for some years past, and that it is now constructing others on a large scale.

In view of the high recommendations given to the system proposed by Mr. Kennon, and as the expense involved in testing its value is inconsiderable, your committee recommend the passage of Senate bill 2394, presented by this committee.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 716.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. GRAY, from the Committee on Naval Affairs, submitted the following

## REPORT:

[To accompany bill S. 1463.]

*The Committee on Naval Affairs, to whom was referred the bill (S. 1463) to authorize an additional appointment on the retired list of the Marine Corps, respectfully report:*

That on the 24th day of January, 1865, an act of Congress, to provide for an advance of rank to officers of the Navy and Marine Corps for distinguished merit, was approved by the President of the United States, and therefore became a law of the United States, in the following words and figures, to wit (United States Statutes at Large, vol. 13, 1863–'65, p. 424; January 24, 1865):

AN ACT to provide for an advance of rank to officers of the Navy and Marine Corps for distinguished merit.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any officer of the Navy or Marine Corps, by and with the advice and consent of the Senate, may be advanced, not exceeding thirty numbers in rank, for having exhibited eminent and conspicuous conduct in battle or extraordinary heroism.

SEC. 2. *And be it further enacted*, That any officer of the Navy or Marine Corps, either of volunteers or otherwise, who shall be nominated to a higher grade by the provisions of the first section of this act, or of that of section 9 of an act entitled "An act to establish and equalize the grades of line officers of the United States Navy," approved July 16, 1862, shall be promoted, notwithstanding the number of said grade may be full; but no further promotion shall take place in that grade, except for like cause, until the number is reduced to that provided by law.

SEC. 3. *And be it further enacted*, That all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

For the purpose of carrying into effect the above-recited act of Congress with intelligent and just discrimination the honorable Secretary of the Navy organized a board of naval officers of the highest rank to take into consideration the purposes of said act of Congress and report to him the names of those officers of the Navy and Marine Corps who had exhibited eminent and conspicuous conduct in battle or extraordinary heroism. The Board so ordered consisted of Vice-Admiral D. G. Farragut, Rear-Admiral Charles H. Davis, Rear-Admiral John A. Dahlgren, and Rear-Admiral David D. Porter.

This Board convened at the Navy Department, Washington, on or about January 24, 1886, and after a session of about seven days, during which time the Board, engaged in obedience to the orders they had received from the honorable Secretary of the Navy, made an official report in writing to the honorable Secretary of the Navy, dated on or about the 30th of January, 1866, recommending by name a number of officers of the naval service of the United States for advancement.

After the report of the aforesaid Naval Board was made a large number of naval officers received promotion by advancement, but not one officer of the United States Marine Corps was advanced or promoted a single number.

The proceedings of this board of admirals were not made public or promulgated by the then Secretary of the Navy, the Hon. Gideon Welles; and when Mr. Welles ceased to be Secretary of the Navy and left the Navy Department, he took the proceedings and report of the said board with him to his home in Hartford, Conn.; and when the Hon. G. M. Robeson became Secretary of the Navy he wrote to Mr. Welles, requesting him to send the report of the board of admirals to the Navy Department, which Mr. Welles declined to do.

Nearly twenty years after, Lieutenant-Colonel Broome received in a letter from Mr. Welles, son of the late Secretary Welles, a copy of the action of the board of admirals in his case, recommending him for advancement to the rank of junior colonel in the U. S. Marine Corps, for conspicuous and meritorious conduct in battle. And in confirmation of this information from Mr. Welles the following letter has been written by the Admiral of the Navy:

OFFICE OF THE ADMIRAL,
*Washington, D. C., January* 13, 1888.

To whom it may concern:

This is to certify that Lieut. Col. John L. Broome, U. S. Marine Corps, was recommended for promotion by the Board of Admirals, of which Board I am the only surviving member, said Board having been convened to recommend the promotion of officers for gallant conduct during the late war.

Colonel Broome, then the junior major of the Marine Corps, was particularly recommended to the Board for promotion by Admiral Farragut for bravery and highly meritorious services in battle, and the Board recommended that he should be promoted to No. 1, lieutenant-colonel for New Orleans and the Mississippi River. In consideration of the circumstances of his case, I consider that Lieutenant-Colonel Broome should be retired with the rank of colonel. Admiral Farragut always spoke of Colonel Broome in the highest terms and desired that he should be promoted, and. although Colonel Broome never served with me in battle, yet I consider it is but just that promotion should be given him.

DAVID D. PORTER,
*Admiral, U. S. Navy.*

It is impossible to suppose that the action of this distinguished Board in the case of Lieutenant-Colonel, then Major, Broome, by which he was advanced from the rank of junior major to that of colonel, was caused by anything but a sense of the exceptional merits of this officer, which at that time, just after the war, was well known and fully recognized by his fellow-officers. This is the promotion dearest to a soldier's heart, and the incentive to, and the just reward for, that personal gallantry which has often turned defeat into victory, and illustrated so many pages of our military history.

If Major Broome had received the advancement which we are compelled to think was then (1866) his due, and which the act of Congress intended should be his, he would have been retired as a colonel instead of a lieutenant-colonel in March, 1888.

The committee, therefore, inasmuch as his retirement has taken place since the bill (S. 1463) was referred to them, report back the same, with an amendment in the nature of a substitute, authorizing the placing Lieutenant-Colonel Broome on the retired list as a colonel instead of a lieutenant-colonel. This they think an act of simple justice, which the country will gratefully perform to a gallant and meritorious officer.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 717.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 6243.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 6243) for the relief of Conrad Claycomb, have examined the same, and report:*

Upon the report of the House committee, which is hereto attached, it is plain that the only ground upon which this claimant asks for relief is ignorance of the acts of Congress therein referred to, allowing the reclamation of commutation money, and fixing the period of limitation. But even if the bar should be removed in favor of this claimant, he has furnished no evidence which, under the acts of Congress referred to in the report, would entitle him to have the amount he paid refunded. It does not appear that he was ever drafted again after he paid this money, or ever entered the service or furnished a substitute, or that he was at the time he paid the money "entitled to discharge from the obligation to render personal service under the draft."

It is recommended that the bill be indefinitely postponed.

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### HOUSE REPORT.

This is a claim by Conrad Claycomb, of Campbellsville, Ky., for the sum of $300, on account of commutation money paid by him under the act of Congress of March 3, 1863.

The facts are that said Claycomb, while a resident of Saint Clair Township, Bedford County, Pa., was drafted into the service of the United States on the 5th day of July, 1864, from the Sixteenth Congressional district of the State of Pennsylvania, and paid the sum of $300 to obtain exemption under section 13 of the "act for enrolling and calling out the national forces, and for other purposes," above referred to; that said Claycomb is an honest, hard-working, ignorant farmer, who never heard of the acts of Congress of February 28, 1867, and March 1, 1869, under which claims for return of commutation money were allowed, until they had expired by limitation. These facts were sustained by competent evidence.

Your committee, therefore, report back the bill, and recommend its passage.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 718.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1443.]

Concerning this claim your committee is advised by the War Department as follows:

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
*Washington, March* 5, 1888.

SIR: I have the honor to return Senate bill 1443, Fiftieth Congress, first session, "for the relief of Newton Knight and others, citizens of Mississippi, therein named," transmitted by the chairman of the Senate Committee on Military Affairs, and in compliance with instructions to report that this office has no record of any organization known as Capt. Newton Knight's Company, United States Infantry, either white or colored, regular Army or volunteer service, between 1861 and 1865, nor can any record of service of either of the within-named men be found.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

It is recommended that this bill be indefinitely postponed.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 719.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1557.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1557) for the relief of William Coakley, beg leave to report:*

Upon this man's own statement he enlisted as a substitute; was taken prisoner; was confined in Confederate prisons, and, to release himself from such captivity, took the oath of allegiance to the Confederacy with a mental reservation "that he would violate it," and then entered, or was pressed into, the Confederate military service, from which he in due time "escaped" into a Union force, commanded by General Stoneman, which was then immediately in front of the enemy's command into which he had thus been incorporated.

The so-called mitigating circumstances have no corroboration in any testimony submitted to your committee. Twenty-two years has this claimant suffered to elapse without attempting to remove the stigma which blots his record as a soldier. He asserts that he was finally mustered out by order of the War Department. As to this the Department states that—

> It was evidently secured by and under misrepresentation made by the mustering officer in ignorance of the real status and of the facts in his case.

Claimant's entire statement is a piece of special pleading and lame excuse, and it simply amounts to this, that he failed in a soldier's duty at a trying time, which should have caused him, as many thousands of his comrades did, to play well a soldier's part.

The case is one of conspicuous demerit, and the indefinite postponement of this bill is recommended.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 720.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1959.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1959) for the relief of James H. Bacon, have examined the same, and report:*

James H. Bacon was a private soldier in Company A, Second Maine Volunteers. His regiment enlisted for two years, and was sworn into the service on the 25th day of April, 1861. This regiment always claimed that it was never mustered in for a longer period than two years.

While encamped near Falmouth, Va., in the spring of 1863, to wit, April 25, two years from the time the regiment was sworn into State service, the men of the regiment, thinking that their time was out, decided to do no more duty; but the next day an order came to be prepared to march, and as it was rumored that there was to be a general advance on the enemy, rather than to refuse duty on the eve of battle every man that was able to march went into the fight, Private Bacon with the rest—battle of Chancellorsville.

After returning to camp, to wit, May 6, 1863, the regiment was immediately ordered with the rest of the division to go back for the ponton train. The boys of the regiment, feeling that they had now done their whole duty, again claimed that their time was out, which being reported to headquarters, the general commanding issued an order or advised the colonel of the regiment to have the surgeon report the regiment as unfit for duty. Upon receiving this advice the companies were ordered to fall in and go to the doctor's to be excused, which they did.

Private Bacon and four others of his company, believing that the two years for which they had enlisted had expired on the 25th day of April, refused to fall in and go to the doctor's to be reported as unfit for duty, but claimed their time was out. Charges of disobedience of orders and mutiny were preferred against them, and they were brought before a court-martial on the 18th day of May, 1863, but before the decision of the court was promulgated the members of the regiment who enlisted in Maine at its organization were ordered to Maine for muster-out of service.

Private Bacon and the others were taken with them, and the only notice they ever received of the result of this trial was the statement of the paymaster on the 9th day of June, 1863, when the regiment was paid off, that they had been dishonorably discharged, and to forfeit all pay and allowances.

In view of the fact that the Government virtually acknowledged the

correctness of Private Bacon's views in regard to the term of his listment, by sending the regiment to Maine for muster-out; and also view of the fine military record of this soldier, who had been in ev battle and skirmish in which his regiment was engaged, and was ways ready and willing to do his whole duty up to the time he thou his time had expired; also in view of the fact that his regiment *ne did*, nor were they *asked to do*, another day's duty after the 6th day May, 1863, when they were reported as unfit for duty, your commit report back the bill with the recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 721.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 975.]

*The Committee on Military Affairs, to whom was referred the bill (S. 975) for the relief of H. A. Myers, have examined the same, and report:*

This measure was before the Forty-sixth Congress, first session, and again before the Forty-seventh Congress, first session, under Senate bills identical with the one under present consideration, and received the consideration of this committee, which reported as follows to the Forty-sixth Congress:

Hiram A. Myers was enrolled and mustered in September 17, 1862, as private in Company D, Eleventh Kansas Cavalry, and served honorably to July 7, 1864. The muster-out roll of his company, dated September 13, 1865, says:

"This man enlisted in good faith, and served faithfully as a soldier from enlistment to July 7, 1864. His old enlistment papers were lost, new ones were made out, and upon examination he was rejected by T. Sinks, surgeon, board of examiners of District N, Kansas, July 7, 1864, when he was dropped from the company rolls. There is due him for use and risk of horse and equipments from date of last payment to June 20, 1864, and he is indebted to the United States, for horse equipments, $31. He was last paid by Major Bowen to February 29, 1864."

The Adjutant-General says:

"There would appear to be no objection to this bill becoming a law."

The Secretary of War, in his letter to the committee touching this case, says:

"The legislation proposed by Senate bill 160 is approved by this Department."

Your committee, therefore, upon examining all the facts in the case, recommend the passage of this bill.

The same report was made to the Forty-seventh Congress. The passage of the bill is recommended.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 722.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 67.]

*The Committee on Military Affairs, to whom was referred the bill (S. 67) to perfect the military record of John C. Green, of Tennessee, have duly considered the same, and submit the following report:*

Your committee referred this bill to the Secretary of War for report, and received from him the following letter and accompanying report from the Adjutant-General, U. S. Army:

WAR DEPARTMENT,
*Washington City, February* 19, 1886.

SIR: Referring to your request of the 15th ultimo for a report and the original papers in the case of John C. Green, late of Company I, Seventh Tennessee Volunteers, for use in consideration of Senate bill 640, Forty-ninth Congress, first session, I have the honor to inclose herewith a report from the Adjutant-General of the 15th instant, from which it appears that there is no record of the enlistment or muster-in of this man, his name not being borne on any rolls of Company I, Seventh Tennessee Volunteers (infantry or cavalry), and that no evidence has ever been presented to the Department with a view to a correction of his record.

It will therefore be seen that there are no original papers on file in this case.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. F. M. COCKRELL,
*Of the Committee on Military Affairs, United States Senate.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, February* 15, 1888.

SIR: I have the honor to return herewith S. 640, Forty-ninth Congress, first session, entitled "A bill to perfect the military record of John C. Green, of Tennessee," forwarded by Hon. F. M. Cockrell, as subcommittee of the Senate Committee on Military Affairs, with request to be furnished with the military record of this man, the original papers touching any application made by him for correction of his military record, the action of the War Department thereon, and the reasons therefor, with such suggestions as may be deemed proper, and in compliance with your instructions thereon of the 2d instant, to report as follows:

There is no record of the enlistment or muster into the military service of John C. Green, and his name is not borne on any rolls or records of Company I, Seventh Tennessee Volunteers, infantry or cavalry, on file in this office.

Prisoners of war records show that J. G. Green, private, Company I, Seventh Tennessee Cavalry, was admitted to hospital at Andersonville, Ga., August 12, 1864, with diarrhea, and died the same day.

No evidence has ever been presented to this office for correction of the military record of this man, but the attorney of record (on April 19, 1883) stated that "proof

can be furnished by one-half of his company and the officers of the regiment," and asked if "upon the furnishing of this proof, will the soldier be mustered?"

On May 7, 1883, the attorney was informed that "there is no record of the enlistment, muster in, or service of this man, and in the absence of such record, he can not be regarded as a soldier, unless an original muster-in roll or enlistment paper of him is filed in this office. Parole evidence can not be accepted."

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

It thus appears that under the name of John G. Green a Union soldier was admitted to the Andersonville prison, and died there on the 12th day of August, 1864.

Your committee have before them the affidavits of James Taylor, A. T. Butler, William H. Groom, and James M. Hodge, who were members of the Seventh Tennessee Regiment of Cavalry, and also members of Company I of said regiment, in which they testify that John C. Green was a member of Company I of said regiment, and did service in said company from the fall of 1863 up to the 24th day of March, 1864, and that they were with him, and that they were all captured by the Confederates on the 24th day of March, 1864, and were sent with him to prison to Andersonville, Ga., and were present with him, the said John C. Green, when he died there on the 12th day of August, 1864; thus identifying the soldier designated as John G. Green, private of Company I, Seventh Tennessee Cavalry, on the prisoners of war records as John C. Green, a member of said Company I. He was not mustered, because of being on detailed duty at the time the other members of his company were regularly mustered into the service. This is an exceptional case and one not provided for under the general laws, and it is only a matter of justice and right that the record should be corrected and perfected to correspond with the facts.

Your committee recommend, in the twelfth line of the bill, the striking out of the word "first" and the insertion of the words "twelfth day," so as to show the death of the said Green on the 12th day of August, 1864, and as amended report the bill back to the Senate and recommend its passage.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 723.

IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

# REPORT:

[To accompany bill S. 2219.]

*The Committee on Printing, to whom was referred the bill (S. 2219) authorizing the purchase of condensed statements, with covers, of the Compendium of the Tenth Census, report as follows:*

The publication above referred to is a thin pasteboard disk of 21 inches in diameter with an additional section of a disk made to revolve around the center of the disk itself. The statistics are so arranged upon the disk that by the revolution of the section the statistics for any particular State or Territory are readily shown. The calendar is fragile in construction, and is not in form for convenient use.

One hundred thousand copies of the Compendium of the Tenth Census have been issued, and provision has been made by the Secretary of the Interior to print twenty-five thousand copies additional during the coming summer. Should this number be inadequate to meet the public demand for the work, another edition can be printed at small cost. Thus the entire statistics can be cheaply supplied to the public. The calendar referred to above embraces only a portion of the statistics.

The committee reports the bill back, with the recommendation that it do not pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 724.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 2104.]

*The Committee on Military Affairs, to whom was referred the bill (S. 2104) to define the qualifications, duties, rank, and pay of chaplains in the U. S. Army, having considered the same, report as follows:*

Your committee referred this bill to the Secretary of War, and his communication on the subject, with the report of the Adjutant-General therein referred to, is set out below.

After considering the views of the War Department, in connection with the arguments which have been submitted in support of the bill, your committee are of opinion that there is no occasion for the proposed changes in the existing law in relation to chaplains, and they recommend that the bill be indefinitely postponed.

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WAR DEPARTMENT,
*Washington City, March* 17, 1888.

SIR: I have the honor to acknowledge the receipt of the letter of the 5th instant from the clerk of your committee, inclosing, for the views of the Department, Senate bill 2104, Fiftieth Congress, first session, to define the qualifications, duties, rank, and pay of chaplains in the U. S. Army.

In reply I beg to invite attention to the inclosed report of the 15th instant by the Adjutant-General, who refers to sections 1121 to 1127, inclusive, of the Revised Statutes, relating to chaplains in the Army, and gives his views upon the different provisions of the bill.

These views are concurred in by the Department.

Very respectfully, your obedient servant,

S. V. BENÉT,
*Brig. Gen., Chief of Ordnance, and Acting Secretary of War.*

Hon. J. R. HAWLEY,
*Chairman Committee on Military Affairs, United States Senate.*

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ADJUTANT-GENERAL'S OFFICE,
*March* 15, 1888.

SIR: I have the honor to return herewith Senate bill 2104, "to define the qualifications, duties, rank, and pay of chaplains in the Army," which has been referred by the Senate Committee on Military Affairs for the views of the Department.

The present status of chaplains, as to rank, pay, duties, etc., is defined in sections 1122 to 1127, inclusive, Revised Statutes. The material changes in the present law proposed by this bill are to give chaplains the rank and pay ($2,000 per year and

longevity pay) of captains of cavalry, instead of rank of captains of infantry, with pay of $1,500 per year and longevity pay; to give them the uniform of general staff officers; to make them members of courts-martial, boards of survey, and of the councils of administration; and to limit the age of eligible candidates for appointment as chaplain to forty years.

It is remarked that the bill does not, in terms, revoke or amend any part of the existing laws, although it would have the effect of amending or superseding certain sections of the Revised Statutes.

The provision limiting appointments to persons not over forty years of age is a good one (though thirty-five years' limit would be better). A provision requiring candidates to pass a satisfactory educational and physical examination would, it is believed, be equally as desirable, and should be included in any legislation on the subject.

The existing law prescribing the religious qualifications of the persons to be appointed, and the duties of chaplains, contain, substantially, the provisions of the bill on those points, except in the matter of court-martial duties, etc , and it is not seen that the change proposed in respect to such qualifications and duties is material or necessary.

Regarding the increase of pay proposed, it is believed that if there is any class of officers in the Army whose pay is much out of proportion to that received by the corresponding class in civil life, and who are liberally paid for the services which they perform, or which would be expected of them under this bill, it is the chaplains of the Army.

The bill prescribes uniforms for chaplains. The uniforms of officers have always been prescribed by regulations and not by law. They are made suitable for each branch of the service, and are so varied that, especially in time of war, the officers of each branch of the service can be readily distinguished from those of other branches. There is little or nothing in the duties of chaplains which assimilate them to the staff corps, and to give them the uniform of the latter would be not only misleading but inappropriate.

Touching the provision that chaplains shall sit on courts-martial, boards, etc., it is remarked that neither their calling, their professional training and acquirements, nor the exercise of the functions of their office, can hardly be regarded as qualifying them for court-martial, nor indeed for any purely military, duty. The council of administration acts on questions of regulations purely, and its business relates almost entirely to matters in which the Government has no direct interest, and the officers composing the council are, and should be, limited to those having the largest experience in military duties, and whose positions bring them in close connection with troops.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 725.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1634.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1634) for the relief of John J. Adams, having considered the same, report as follows:*

Your committee recommend that this bill be indefinitely postponed. The Adjutant-General reports that "there is nothing of record in the Department to sustain the action proposed by this bill," and nothing has come to the knowledge of the committee, from any source, to justify its passage.

The Adjutant-General's report is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, February* 11, 1888.

SIR: I have the honor to return herewith Senate bill No. 1634, Fiftieth Congress, first session, "to allow John J. Adams the pay of a first lieutenant of Company I, First Regiment of Iowa Cavalry, from July 18, 1861, to March 30, 1863, during which time he served as wagon-master of said regiment with the rank of first lieutenant," referred by Senate Committee on Military Affairs, with request to be furnished with any information in the possession of the Department relative thereto, and to report as follows:

The name of John J. Adams is not borne on any of the duly certified muster-rolls of the First Iowa Cavalry Volunteers on file in this office.

Company I, of said regiment was mustered into service August 3, 1861, with its full compliment of officers, and retained them to April 30, 1863.

There is no record of a commission as first lieutenant Company I, First Iowa Cavalry Volunteers, having been issued to Mr. Adams, and the only information concerning him is found in adjutant-general's report of Iowa, which shows: "John J. Adams Wapello County, rejected by Capt. Alex. Chambers, United States mustering officer, August 3, 1861. remarks, age."

In 1884 Mr. Adams presented to the Department for consideration, under the provisions of the act approved June 3, 1884, an application for recognition as first lieutenant Company I, First Iowa Cavalry Volunteers, from July 18, 1861, to March 30, 1863, and submitted in support thereof affidavits of Daniel Anderson and William H. Kitterman, late lieutenant-colonel and second lieutenant, respectively, of said regiment, to the effect that he (Adams) "had a commission as first lieutenant Company I, and was detailed by the colonel commanding the regiment on August 3, 1861, to act as wagon-master, and that he served as such to March 30, 1863."

This application was rejected for the reason that the records failed to show that he rendered any service as a first lieutenant during the period claimed.

There is nothing of record in the Department to sustain the action proposed by this bill.

I am, sir, very respectfully, your obedient servant,

J. C. KELTON,
*Assistant Adjutant-General.*

The SECRETARY OF WAR.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 726.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. PAYNE, from the Committee on Foreign Relations, submitted the following

## REPORT:

[To accompany joint resolution H. R. 83.]

The Committee on Foreign Relations, to whom was referred House joint resolution No. 83, beg leave to report the same and recommend its passage, with certain amendments.

The amendments providing for an increased allowance for salary and personal expenses of the commissioner general and associate commissioner-general, and of the scientific experts, are based upon the consideration that their services will, presumptively, extend through a period of the greater part of two years. The sums named in the House resolution were framed according to the corresponding provisions for these services at the Paris Exposition of 1878, and attendance upon which, in representation of the United States, occupied less than a year.

Another amendment omits the provision for the appointment of honorary commissioners by the governors of the respective States. The experience of this arrangement, as carried out at the exposition of 1878, was such as, in the opinion of the committee, should not lead to its renewal at the exposition now to be provided for.

Another amendment omits the provision for transportation to and from France free of cost, in public vessels, of articles to be offered for exhibition by citizens of the United States. The experience as to this use of public vessels has shown that it was extremely expensive to the Government, and attended by incovenience and embarrassment to all interests.

Upon these two last mentioned amendments the committee have found very instructive the suggestions of Commissioner-General McCormick on these points, made in his report to the Secretary of State upon the conduct andresults of the exposition of 1878, and in making these amendments the committee have given great weight to the following observations in that report:

The clause in the resolution of Congress authorizing the President, in his discretion, to assign one or more of the public vessels to transport to and from France, free of cost, articles offered for exhibition by the citizens of the United States, was doubtless inserted from good motives, and in respect to the popular sentiment that it would be a graceful act to employ the Government vessels in the international service in the interest of peace and industry.

It proved, however, to be a costly mistake. The first-class vessels of our limited Navy were all engaged in important service. Beyond the small steamer *Wyoming*, sailing ships only could be assigned to the duty. These were, without exception, old and poorly adapted to freight. The expenditure of a considerable sum of money was necessary to prepare them for sea, and when made ready they were found to be difficult to load and stow.

Taking into account the expense to the Government in preparing the ships for sea, the inconvenience of keeping them for many months at Havre, and the serious delays in transporting the goods of exhibitors to and from Europe, it would have been far better and cheaper for Congress to have given authority for the transportation of freight by mail-steamers. Goods would have been in transit but a few days instead of many weeks, and our department at the exposition would have been in condition much sooner than it was, and the business of the office of the commissioner-general on this side of the Atlantic might have been completed some months earlier.

The provision in the Congressional legislation relating to our representation in Paris in 1867, and also to our representation in Vienna in 1873, by which the appointment of a large number of honorary commissioners was authorized, had so clearly proven an impolitic one, that it was surprising to all who had given the subject attention that it should have been re-enacted in the resolution touching the exposition of 1878.

After the additional commissioners who were selected to prepare reports upon the exposition, the sending of twenty-four honorary commissioners, under direct appointment of the President, might have been understood, but the sending of two more from each State, on the nomination of the governors, and of still another class chosen by the governors without Presidential approval (of which class fifty came to Paris during the summer and autumn) was, to the exposition authorities, an almost inexplicable procedure, no other country having sent nearly so large a number.

Simply to receive them and their traveling companions consumed much of my time and that of my clerks, which should have been given to the exhibitors and jurors. In scarcely an instance could they render any service, and realizing what an empty honor their appointment conferred, and how reluctant the authorities were to recognize them, their position was anything but a pleasant one. Moreover, their coming was not without expense to the Government, for, while under the resolution of Congress they were not allowed pay or compensation, their presence necessitated certain increased expenditures in the way of office accommodations, stationery, etc , and to obtain admission for them to the official entertainments was at times a difficult matter.

The increase of the appropriation for the coming exposition, and the proper representation of the United States there, to $300,000 is based upon the consideration, already mentioned, that the preparation, attendance, and subsequent expenses upon this occasion will occupy quite twice as long as in 1878, and upon the experience and instruction gained by the representation of this Government at that exposition and communicated by the valuable report thereon of Commissioner-General McCormick.

The last amendment, by which the House resolution providing specific arrangements in reference to a special (however important) interest in the products of this country is omitted needs no further observation than that the committee regarded it as inappropriate to the occasion in which the Republic of France is celebrating the centennial of the great political event of the fall of the Bastile in 1789—an event which that great and most friendly Republic marks for the date of its celebration of French liberties, as the United States have marked the 4th of July, 1776, as the date of the foundation of our liberty and independence.

The committee include as a part of this report the House report which accompanied the House resolution, and recommend the passage of the joint resolution in the spirit of a cordial acceptance of the invitation of the French Republic to participate in this centennial celebration, and in the purpose of promoting the interests of agriculture, manufactures, and commerce of the United States.

**House Report No. 135, Fiftieth Congress, first session.**

## PARIS EXHIBITION.

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**JANUARY 26, 1888.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.**

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**Mr. BELMONT, from the Committee on Foreign Affairs, submitted the following**

# REPORT:

**[To accompany H. Res. 83.]**

*The Committee on Foreign Affairs, to whom were referred a message from the President of the United States (Ex. Doc. 69), transmitting a report from the Secretary of State, relating to an invitation from the Government of France to participate in the International Exhibition to be held in Paris in 1889, and also a joint resolution (H. Res. 83), respectfully report thereon as follows:*

On the 6th of April last, shortly after the close of the Forty-ninth Congress, the Government of the French Republic, through its legation in Washington, formally asked the co-operation of this Government in the celebration of a World's Exhibition, to be opened in Paris on the 5th of May, 1889. The general purposes of this exhibition are such as should enlist the earnest sympathy of the United States. Its primary object is to receive the works of art and the productions of the industry and agriculture of all nations. The exhibition is to be divided into nine groups:

1. Works of art.
2. Education, and processes used therein.
3. Plain and decorative house furniture.
4. Textile fabrics.
5. The raw and manufactured products of mining, forestry, chemistry, etc.
6. Apparatus and methods of mechanical industries.
7. Food products.
8. Agriculture, vine culture, and fish culture.
9. Horticulture.

In nearly all these branches of industry it is believed that the United States has made great progress since its participation in the World's Exposition held in Paris in 1878. If no other considerations presented themselves it would therefore be desirable for the advancement of the commercial interests of the United States that the invitation thus ex-

tended by the French Republic should be accepted. But there are other reasons which can properly be regarded by the Congress of the United States. This nation can not forget its obligations to France for the assistance rendered in its early struggles for freedom. On many occasions since, notably in the presentation by the French people of the Statue of Liberty which now adorns New York Harbor, the sympathy and good will of the French nation towards the United States and its Government have been manifested.

The people of the United States have watched with gratification the firmness of purpose and self-control with which the French nation has maintained and increased its hold upon republican institutions in recent times of menace and peril. The year 1889 will be the centennial of events in France which gave impetus to the establishment of republican institutions throughout the world. It is clearly the duty of the Congress of the United States to promptly take action upon the invitation extended and thus to proclaim in the most emphatic manner its approval of this important project. Your committee therefore recommend that the invitation of the Government of France to participate in the International Exhibition to be held in Paris in 1889, transmitted to Congress by the President of the United States in his message of the 12th instant, hereto annexed, be accepted, and in order that such acceptance may be carried out in a becoming manner, they further recommend the passage of the accompanying joint resolution as amended.

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[Fiftieth Congress, first session. H. Res. 83.]

*Joint resolution accepting the invitation of the French Republic to take part in an international exposition to be held in Paris in eighteen hundred and eighty-nine.*

Whereas the United States have been invited by the Republic of France to take part in an exposition of works of art and the products of manufactures and agriculture of all nations, to be held in Paris, commencing the fifth day of May and closing the thirty-first day of October, in eighteen hundred and eighty-nine: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That said invitation is accepted, and that the governors of the several States and Territories be, and are hereby, requested to invite the people of their respective States and Territories to assist in the proper representation of the productions of our industry and of the natural resources of the country, and to take such further measures as may be necessary in order to secure to their respective States and Territories the advantages to be derived from this beneficent undertaking.

SEC. 2. That the President, by and with the advice and consent of the Senate, shall appoint a commissioner-general to represent the United States in the proposed exposition, and, under the general direction of the Secretary of State, to make all needful rules and regulations in reference to the contributions from this country, and to control the expenditures incident to the proper installation and exhibition thereof; the pay of jurors, and the preparation of the reports on the exposition, and the general results thereof; and an assistant commissioner-general, who shall perform the duties of commissioner-general, in case of his death or disability; and that the President may also appoint nine subcommissioners, and said subcommissioners shall be scientific experts, corresponding to and specifically assigned to the nine groups into which the exposition will, under the official regulations, be divided; that the allowance to said commissioner-general for salary and personal expenses shall not exceed five thousand dollars for his whole term of office; that the allowance of said assistant commissioner-general for salary and personal expenses shall not exceed twenty-five hundred dollars for his term of office, and the allowance of the nine sub-commissioners for salary and personal expenses shall not exceed twelve hundred dollars each, not including such clerical service as may be allowed by the commissioner-general, which shall not exceed fifteen thousand dollars; and the governors of the several

States may nominate and the President appoint one honorary commissioner from each of the several States, and the President may appoint one honorary commissioner from each of the several Territories, which said honorary commissioners may report upon such special subjects as the commissioner-general may direct, and shall serve without pay or other expense to the United States: *Provided*, That no person appointed by virtue of this resolution shall have any pecuniary interest, directly or indirectly, in any article exhibited for competition, or act as the agent for any exhibitor.

SEC. 3. That the President be authorized, in his discretion, to assign one or more of the public vessels to transport to and from France, free of cost, under regulations to be prescribed by the commissioner-general, such articles as may be offered for exhibition by the citizens of the United States.

SEC. 4. That in order to defray the necessary expenses above authorized, and for the proper installation of the exhibition, and the expenditures of the commissioner-general, made under the direction of the Secretary of State, and with his approval, and not otherwise, there be, and hereby is, appropriated, out of any money in the Treasury of the United States, not otherwise appropriated, the sum of two hundred thousand dollars, or so much thereof as may be necessary for the purposes herein specified, which sum shall be expended under the direction of the Secretary of State; and out of such amount the Commissioner of Agriculture is hereby authorized to collect and prepare, as far as practicable and with as little delay as possible, suitable specimens of the agricultural productions of the several States and Territories of the Union for exhibition at the Paris exposition.

SEC. 5. That it shall be the duty of the Secretary of State to transmit to Congress a detailed statement of the expenditures which may have been incurred under the provisions of this resolution, together with all reports called for under section two of this resolution, which reports shall be prepared and arranged with a view to concise statement and convenient reference.

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[House Ex. Doc. No. 69, Fiftieth Congress, first session.]

*Message from the President of the United States, transmitting a report from the Secretary of State, relating to an invitation from the Government of France to participate in the international exhibition to be held at Paris in* 1889.

*To the Senate and House of Representatives:*

I transmit herewith a report from the Secretary of State in relation to the invitation from the Government of France to this Government to participate in the international exhibition which is to be held at Paris in 1889.

GROVER CLEVELAND.

EXECUTIVE MANSION,
*Washington, January* 12, 1888.

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To the PRESIDENT:

I transmit herewith a translation of a note from Mr. Roustan, the minister of France at this capital, extending an invitation to this Government to participate in the international exhibition which is to be held at Paris in 1889.

The benefits which the commerce, the manufactures, the sciences, and the arts of this country derived from the taking part in the great international exhibitions which have heretofore been held at Paris are so numerous and obvious as to commend to this Government the propriety of accepting the present invitation. That the popular interest in the proposed exhibition is very great is manifest from the numerous inquiries relative to it, representing the most important business interests, which have been received by the Department from all parts of the country.

I therefore recommend that the accompanying papers be laid before Congress, and that that body be asked to enact a law authorizing the President, by and with the advice of the Senate, to appoint a commissioner-general to represent the United States in the proposed exhibition, and, under the general direction of the Secretary of State, to make all needful rules and regulations in reference to the contributions

from this country, and to control the expenditures incident to the proper installation and exhibition thereof, and to the preparation of the reports on the exhibition.

I furthermore recommend that the sum of $200,000 be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, or so much thereof as may be necessary, in defraying the necessary expenses of the proper installation of the exhibits of American citizens and the expenditures of the commissioner-general made under the direction of the Secretary of State and with his approval.

I also recommend that provision be made by law for the re-entry, free of duty, under such regulations as the Secretary of the Treasury may prescribe, of all articles and merchandise which may be sent from this country to the exhibition in question.

Respectfully submitted.

T. F. BAYARD.

DEPARTMENT OF STATE,
*Washington, January* 12, 1888.

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No. 1.

*Mr. Roustan to Mr. Bayard.*

[Translation.]

LEGATION OF THE FRENCH REPUBLIC,
*Washington, April* 6, 1887.

Mr. SECRETARY OF STATE: By a decree bearing date of November 8, 1884, the President of the Republic decided that a world's exhibition should be opened at Paris on the 5th of May, 1889, and closed on the 31st of October following.

I am instructed by my Government to notify you of the opening of this international exhibition, and, in view of the deep interest that is felt in having all nations participate in this enterprise of peace and labor, to ask the co-operation of the United States Government.

To this effect, I have the honor herewith to transmit to you two copies of a pamphlet containing the general regulations and the text of sundry official documents having reference to the organization of the various branches of the exhibition, and to the admission of productions; also the text of the law of July 6, 1886, relative to financial guaranties.

I should be very grateful to you, Mr. Secretary of State, if it were possible for you to enable me soon to make known at Paris the decision adopted by the United States Government.

Be pleased to accept, Mr. Secretary of State, the assurances of my very high consideration.

TH. ROUSTAN.

Hon. T. F. BAYARD,
*Secretary of State of the United States.*

# WORLD'S EXHIBITION OF 1889.

## LAW OF JULY 6, 1886.

### ARTICLE I.

The convention concluded by the minister of commerce and industry representing the state, the prefect of the Seine, representing the city of Paris, authorized by the decision of the municipal council of March 31, 1886, and the governor of the Credit Foncier, acting for the Guarantee Association, which is to be established for the World's Exhibition of 1889, is hereby approved.

No expense shall be incurred beyond the amount of 43,000,000 francs, for which provision is made by Article I of this convention, unless provision shall previously have been made therefor by a special law.

Such proceeds as may accrue from payments required of exhibitors for the space assigned to them shall not enter into the computation of the receipts provided for by Article V of the convention, beyond the amount necessary to make the total receipts 18,000,000 francs.

### ARTICLE II.

The state shall contribute to the expenses of the exhibition of 1889, by an appropriation of 17,000,000 francs.

This appropriation shall be charged (to the amount of 12,693,635 francs) to the loan of 80,000,000 francs made to the state by the Bank of France, in pursuance of the convention of March 29, 1878, approved by act of the 30th of June following.

In case the expenses shall amount to less than the sum of 43,000,000 francs, which is provided for by Article I of the convention, the saving effected shall inure to the benefit of the state alone.

### ARTICLE III.

The sum of 12,693,635 francs shall be allowed, by way of an extraordinary appropriation, to the minister of commerce and manufactures, on the fiscal year 1886, over and above the allowances made by the financial act of August 8, 1885. This allowance shall form a special chapter entitled "No. 43. Amount contributed by the state to the expenses of the exhibition of 1889."

This extraordinary appropriation shall he paid from the source mentioned in the foregoing article.

### ARTICLE IV.

The appropriations necessary for the expenses of the years 1887, 1888, 1889, and the following, shall be made, within the limits of the allowance above fixed, by the annual appropriation laws.

Nevertheless, during the recess of the chambers, in pursuance of Article V of the act of December 14, 1879, such appropriations may be made by decrees approved by the council of ministers. These decrees shall be submitted to the chambers for their sanction within the first fortnight after their next meeting.

### ARTICLE V.

All moneys for the exhibition shall be received and expended by the officers of the treasury, and shall be submitted to the court of accounts for inspection.

The subsidy allowed by the city of Paris, together with all receipts accruing from the World's Exhibition of 1889, shall be paid into the treasury as funds for public expenses, according to article 13 of the act of June 6, 1843.

### ARTICLE VI.

Plans of all kinds relative to the construction, arrangement, and management of the exhibition of 1889 shall, before being put into execution, be submitted to the minister of commerce and manufactures for his approval.

### ARTICLE VII.

A detailed statement of the receipts and expenditures of the World's Exhibition of 1889 shall be presented to the President of the Republic in a report which shall be published and distributed among the senators and members of the Chamber of Deputies.

A report published in the same way shall annually make known the state of advancement of the work, and shall furnish a statement of the expenses incurred.

ARTICLE VIII.

The instruments designated in Article 1, paragraph 9, of the act of February 28, 1872, and approved by the minister of commerce and manufactures, in pursuance of this act, shall be subjected to a fixed duty of 3 francs. This act having been adopted by the Senate and Chamber of Deputies, shall be executed as a law of the state.

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## *MINISTRY OF COMMERCE AND MANUFACTURES.—WORLD'S EXHIBITION OF 1889, AT PARIS.*

### GENERAL REGULATIONS.

*Ministerial order of August 26, 1886.*

ARTICLE I.

In pursuance of the decrees issued by the President of the French Republic, at the suggestion of the minister of commerce and manufactures, and of the minister of public instruction, fine arts, and worship, an International World's Exhibition shall be opened at Paris on the 5th day of May, 1889, and shall be closed on the 31st of October following.

No production shall, however, be admitted in the exhibition after April 1, 1889.

ARTICLE II.

This exhibition shall receive works of art and productions of the industry and agriculture of all nations.

It shall be held principally in the Champ-de-Mars, in the unoccupied space between Lamothe-Piquet avenue and the square situated near the quay. It may extend—

(1) On the left bank of the Seine, over the causeway and the steeps of the quay, in the parts comprised between the Champ-de-Mars and the Esplanade of the Invalides, and over the Esplanade of the Invalides.

(2) On the right bank of the Seine, in the Trocadero Park and the available parts of the Trocadero Palace, in the Palace of Industry and on the grounds situated between that palace and the Seine.

ARTICLE III.

GENERAL ORGANIZATION.

An advisory commission, consisting of 300 members, and styled the "Grand Council of the World's Exhibition of 1889," shall be appointed under the presidency of the minister of commerce and manufactures, who shall likewise be the commissioner-general of the exhibition.

ARTICLE IV.

The grand council shall be convoked and presided over by the minister, who shall fix the order of its daily proceedings.

ARTICLE V.

It shall be subdivided into twenty-two advisory committees, to wit: The committee on superintendence and finance, on contested claims, buildings, festivals and ceremonies, transportation, the fine arts, agriculture, colonies and countries under protectorate, military and maritime exhibitions, education, the liberal arts, hygiene, the third group (furniture, etc.), the fourth group (textile fabrics, wearing-apparel, etc.), the fifth group (manufacture of extracts, raw and manufactured productions), the sixth group (mechanical instruments and processes in mechanical industry), the seventh group (articles of food), electricity, the press, musical and theatrical pieces, congresses and conferences, the retrospective exhibition of work.

### ARTICLE VI.

The advisory committee on superintendence and finance, which is to be appointed by a decree of the President of the Republic, shall be presided over by the minister, or, in his absence, by one of the three vice-presidents, each in his turn.

It shall be convoked by the minister, who shall fix the order of its daily proceedings.

### ARTICLE VII.

This commission shall be consulted by the minister on all questions having reference to the financial management of the exhibition. Its advice shall be acted upon in all cases in which questions are concerned relating to receipts of all kinds to be collected on the occasion of the exhibition.

### ARTICLE VIII.

The other committees may subsequently be completed by the addition of new members, to be appointed by ministerial orders.

Their chairmen shall be appointed by the minister.

Their vice-chairmen and secretaries shall be designated by the committees themselves, subject to the approval of the minister.

They may be subdivided into sub-committees, with the approval of the minister, who shall designate the new chairmen.

### ARTICLE IX.

The minister shall lay suitable matters directly before the committee and sub-committees.

### ARTICLE X.

The directors-general, who are to be appointed in the manner provided by the decree of July 28, 1886, shall be charged, each in that which concerns him, with the preparation and submission to the minister, commissioner-general, of the plans relative to the construction, arrangement, and management of the exhibition. They shall be admitted to all sessions of the committee on superintendence and finance, and to the sessions of the committees having charge of matters connected with their respective branches. They shall at these sessions have the right of discussion, but not that of voting.

## ADMISSION AND CLASSIFICATION OF PRODUCTIONS.

### ARTICLE XI.

A departmental committee, appointed by the minister of commerce and manufactures, shall be instituted in each department of the French Republic. The duties of this commission shall be—

(1) To make known throughout the department the regulations concerning the organization of the exhibition, and to distribute the blank forms of applications for admission, together with all other documents relating to the exhibition.

(2) To furnish, with as little delay as possible, the names of the principal artists, agriculturists, and manufacturers whose admission to the World's Exhibition shall seem particularly calculated to promote the success of that enterprise.

(3) To promote the exhibitions of industrial, agricultural, and horticultural productions of the department.

(4) To promote and organize, if deemed desirable, the collective grouping of similar productions of the department, and to accredit a delegate, whose duty it shall be to represent each collective exhibition.

(5) To prepare, if this shall be thought desirable, by way of subscription or otherwise, the establishment of a special fund, designed to facilitate the examination and study of the World's Exhibition by a certain number of master-workmen, workmen, and cultivators of the department.

### ARTICLE XII.

Foreign commissions appointed at the request of the French Government are urged to send their delegates with as little delay as possible.

The duty of each delegate shall be to discuss such questions as may interest his countrymen, and especially such as relate to the distribution of the entire space among

the different countries, and to the method of installation of each national section. Consequently, the minister, commissioner-general, will not correspond directly with foreign exhibitors, and all productions presented by foreign producers shall be admitted only through the agency of their respective commissioners.

ARTICLE XIII.

The departmental committees appointed by the minister and the foreign commissioners regularly accredited to him shall enter into direct relations with the director-general of the management.

The foreign commissioners shall receive from him all suggestions and plans with regard to the most advantageous installation of the productions of their nations, together with all information concerning the conditions of general circulation and of public order to which they shall be obliged to conform.

They shall have recourse to him for all changes of space from country to country.

ARTICLE XIV.

In each section devoted to the productions of the same nation, the articles exhibited shall be divided among the nine groups following:

First Group: Works of Art (Class 1 to 5).
Second Group: Education, Instruction, Materials and Processes used in the Liberal Arts (Class 6 to 16).
Third Group: Furniture, etc. (Class 17 to 29).
Fourth Group: Textile Fabrics, Wearing Apparel, etc. (Class 30 to 40).
Fifth Group: Manufacture of Extracts, Raw and Manufactured Articles (Class 41 to 47).
Sixth Group: Instruments and Processes used in Mechanical Industry—Electricity (Class 48 to 66).
Seventh Group: Articles of Food (Class 67 to 73).
Eighth Group: Agriculture, Vine Culture, and Pisciculture (Class 74 to 77).
Ninth Group: Horticulture (Class 78 to 83).

Each of these groups shall be divided into classes, according to the system of general classification appended to these regulations (Annex No. 1).

That document shall comprise for each class a compendious enumeration of the articles which it is to include.

ARTICLE XV.

A methodical and complete catalogue of the productions of all nations shall be prepared in the French language. This catalogue shall state the places to be occupied by said productions in the halls, the parks, or the gardens, together with the names of the exhibitors.

Each nation shall, moreover, have the right to prepare, at its own expense, but only in its own language, a special catalogue of the productions exhibited in its section.

ARTICLE XVI.

Neither French nor foreign exhibitors shall be obliged to pay any rent for the space occupied by them in the Exhibition.

They shall have to defray all the expenses of installation and decoration in the halls, parks, or gardens. These expenses shall in the main comprise the furnishing and putting in place of the floors, and the tents or ceilings in the halls, and also of the special earth-works and trees or plants set out in the parks or gardens in the vicinity of and within the limits of the special buildings authorized by the minister, commissioner-general.

The floors shall be constructed in good condition for use in all the interior passages through which the public is to pass.

ARTICLE XVII.

No work of art, and no article exhibited in the halls, parks, or gardens shall be drawn, copied, or reproduced in any manner whatever, without an authorization from the exhibitor, bearing the visa of the director-general of the management.

The director-general of the management may, however, authorize the reproduction of views of sundry articles together.

ARTICLE XVIII.

No work of art and no article exhibited can be withdrawn before the close of the exhibition, without special authorization.

### ARTICLE XIX.

Within the time allowed, and on the terms provided by the act of May 23, 1868, relative to the guaranty of inventions susceptible of being patented, and of designs for manufactured articles, exhibitors shall enjoy the rights and immunities granted by the aforesaid act. (Annex No. 2.)

### ARTICLE XX.

In pursuance of the decree issued on the 25th of August, 1886 (Annex No. 3), the exhibition is to be, in fact, a bonded warehouse; consequently articles exhibited are to be exempted from the payment of city dues and from search by the municipal authorities of Paris, and also from the payment of duties at the French custom-house and from search there.

### ARTICLE XXI.

Subsequent regulations shall in due time determine the methods of shipment, of reception, and of installation of the productions, the method of admission to the premises of the exhibition, and the formation of the international jury on premiums, whose duties shall begin as soon as the exhibition is opened.

## SPECIAL PROVISIONS RELATIVE TO WORKS OF ART.

### ARTICLE XXII.

The works of French and foreign artists executed since May 1, 1878, shall be admitted to the exhibition.

### ARTICLE XXIII.

Such works shall comprise the seven kinds below mentioned:

1. Paintings.
2. Drawings: Water-colors, pastels, miniatures, enamel, porcelain, and cartoons, not including those which represent subjects of ornamentation only.
3. Sculpture.
4. Engravings on medals and precious stones.
5. Architecture.
6. Engraving.
7. Lithography.

### ARTICLE XXIV.

The following shall be excluded:

1. Copies, even such as reproduce a work in a style different from that of the original.
2. Unframed paintings or drawings.
3. Sculptures in unbaked clay.

### ARTICLE XXV.

It shall be the duty of a special jury to decide concerning the admission of works of art.

### ARTICLE XXVI.

The requirements to be fulfilled for applications for admission shall be fixed by subsequent regulations. Another regulation shall also indicate the method of shipment and of reception of works of art.

### ARTICLE XXVII.

Decision shall be given hereafter with regard to the number and nature of the premiums to be awarded, and also concerning the appointment of an international jury for the award of premiums.

## SPECIAL PROVISIONS RELATING TO INDUSTRIAL AND AGRICULTURAL PRODUCTIONS.

### ARTICLE XXVIII.

All manufactured and agricultural productions shall be admissible to the exhibition with the exceptions and reservations mentioned in the following article:

### ARTICLE XXIX.

Detonating and fulminating articles and, in general, all matters regarded as dangerous, shall be excluded.

Spirits or alcohols, oils and essences, corrosive substances, and in general any articles that may injure other productions with which they may come in contact, or that may incommode the public, shall not be received otherwise than in solid vessels suitable for containing them, and of small dimensions.

Percussion caps, fire-works, chemical matches, and other similar objects shall not be received. Imitations thereof, may, however, be received, provided that they contain no inflammable matter.

### ARTICLE XXX.

Exhibitors of injurious productions or those calculated to impair the health of human beings must, at all times, conform to such precautionary measures as may be prescribed.

### ARTICLE XXXI.

The director-general of the management may at all times cause the removal of all articles, no matter what may be their origin, which, owing to their nature and their appearances, may appear to be objectionable or incompatible with the object or the decorum of the exhibition.

### ARTICLE XXXII.

French applications for admission must be drawn up according to the form appended to these regulations. (Annex No. 4.)

Applications from Paris and the department of the Seine are to be sent directly to the minister of commerce and manufactures, commissioner-general, No. 35 Quai d'Orsay, Paris, or to the director-general of the management, No. 80 rue de Varenne.

Those from the departments are to be received by the departmental committees, who will forward them to the same addresses.

All applications of French citizens, thus centralized, shall be submitted by classes to the examination of committees on admission, appointed by the minister, and from whose decisions there shall be no appeal. It is essential that all applications be handed in as speedily as possible.

The printed blank forms of applications for admission shall be furnished to the public gratuitously, at the following places:

(1) At Paris: At the ministry of commerce and manufactures, No. 25 Quai d'Orsay, and No. 244 boulevard Saint Germaine; at the buildings of the management of the exhibition (avenue de La Bourdonnaye and rue de Varenne, No. 80); at the tribunal, and at the chamber of commerce.

(2) In the departments: At the prefectures, subprefectures, chambers of commerce, tribunals of commerce, advisory chambers of arts and manufactures, and at the locations of the departmental committees, as well as at such places of distribution as may be designated by the said committees.

### ARTICLE XXXIII.

Constructors of apparatus requiring the use of water, gas, or steam must state, either at the time of making their application for admission or through the foreign delegates, the quantity of water, gas, or steam that they require.

Those desiring to set machinery in motion shall state the exact velocity of such machinery and the motive power which it will require.

### ARTICLE XXXIV.

Water, gas, steam, and motive power for the machinery galleries shall be furnished gratuitously.

The power shall be taken from the vehicle of general transmission.

The establishment of all intermediate transmissions shall be at the cost of exhibitors.

## PROVISIONS RELATIVE TO MANAGEMENT.

### ARTICLE XXXV.

Articles shall be exhibited in the name of the signer of the application for admission. From this requirement there shall be no deviation.

### ARTICLE XXXVI.

Exhibitors are authorized to enter, after their own names or the names of their firms, the names of such co-operators of all kinds and all grades as have contributed to the utility of the articles exhibited.

### ARTICLE XXXVII.

Exhibitors are expressly requested to state the market price of the articles exhibited, both for the purpose of facilitating the labor of the jury and of edifying visitors.

### ARTICLE XXXVIII.

Articles sold shall not be removed before the close of the exhibition, unless by special authorization.

### ARTICLE XXXIX.

The State shall take measures to protect articles exhibited from all injury, but it will in nowise be responsible for any accidents, or for fire, or for any damage that they may suffer, be the cause thereof what it may. Exhibitors shall be at liberty to insure their goods directly, at their own expense, if they shall think proper to do so.

### ARTICLE XL.

A general surveillance shall be established in order to protect goods from theft and embezzlement.

Foreign commissions shall have full control as regards the custody of their respective sections. The officers designated by them for the performance of this duty shall be commissioned by the commissioner-general. They shall wear a uniform or a distinctive badge; they may, under all circumstances, apply for assistance to the French officers and policeman who shall walk through the passages open to the public, or who shall be stationed there.

In the French section, the exhibitors of each class shall make arrangements for the organization of a collective system of guardianship, independent of the general surveillance. The special officers of this class shall be commissioned by the minister commissioner-general; they shall wear badges indicating the number of the class whose rooms they are to watch.

### ARTICLE XLI.

It is expressly understood that the State disclaims all responsibility for any thefts and embezzlements that may be committed.

### ARTICLE XLII.

No article shall be advertised by means of hand-bills, prospectuses, etc., within the exhibition, by exhibitors, holders of concessions, or any other person, without regular authorization and prepayment of such fees as may be required.

### ARTICLE XLIII.

All communications relative to the exhibition must be addressed to the Minister of Commerce and Manufactures, Commissioner-General, No. 25 Quai d'Orsay, Paris, and must bear on the envelope the words "World's Exhibition of 1889." (Exposition universelle de 1889.)

### ARTICLE XLIV.

Both French citizens and foreigners, by becoming exhibitors, declare by that very fact, that they adhere to the provisions contained in Articles XI–XLII of these regulations.

EDOUARD LOCKROY,
*Minister of Commerce and Manufactures, Commissioner-General.*

PARIS, *August* 26, 1888.

[Annex No. 1.]

## SYSTEM OF GENERAL CLASSIFICATION.

## FIRST GROUP.

### WORKS OF ART.

CLASS 1.—*Oil paintings.*

Paintings on canvas, panels, and on various preparations.

CLASS 2.—*Paintings of different kinds, and drawings.*

Miniatures; paintings in water-colors; pastel, and drawings of all kinds; paintings on enamel, china, and porcelain; cartoons for windows and frescoes.

CLASS 3.—*Sculpture, and engraving on medals.*

Sculpture in full relief, bas-relief, punctured and chiseled sculpture. Medals, cameos and engraved stones. Inlaid enamel work.

CLASS 4.—*Drawings and models for buildings.*

Studies and fragments. Representations and plans of buildings. Restorations from ruins or documents.

CLASS 5.—*Engraving and lithographing.*

Engravings in black; polychromatic engravings. Lithographs in black, in crayon, and in pencil; chromo-lithography.

## SECOND GROUP.

### EDUCATION AND INSTRUCTION.—MATERIALS AND PROCESSES USED IN THE LIBERAL ARTS.

CLASS 6.—*Education of very young children.—Primary instruction.—Instruction of adults.*

Plans and models of infant asylums, schools for mothers, orphan asylums, rooms and gardens for the care of children; arrangement and furniture of such establishments. Materials for instruction calculated to promote the physical, moral, and intellectual development of a child until the age when it is proper for him to enter school.

Plans and models of city and country school-buildings; arrangements and furniture of such buildings. School articles, books, maps, apparatus, models, etc.

Plans and models of schools for adults and for industrial training. Arrangement and instruction in such establishments. Articles used in the instruction of adults and in industrial training. Articles used in elementary instruction in its various branches. Articles for elementary instruction in geometrical and landscape drawing.

Articles for the instruction of the blind, and of the deaf and dumb.

Articles made by pupils of both sexes.

Books and publications.

CLASS 7.—*Organization of secondary instruction and articles used therein.*

Plans and models of establishments for secondary instruction; lyceums for boys and girls, gymnasiums, colleges, and industrial and commercial schools. Arrangement and furniture of such establishments.

Collections, standard books, maps, and globes; articles used in technological and scientific instruction, for instruction in the arts, and in drawing, music, and singing.

Apparatus and methods used in teaching gymnastics, fencing, and military exercise.

CLASS 8.—*Organization and methods of superior instruction and articles used therein.*

Plans and models of academies, universities, medical and practical schools, technical schools, and those for application, agricultural schools, observatories, scientific museums, amphitheaters, and laboratories for instruction and experiment.

Furniture and arrangement of such establishments.
Apparatus, collections, and materials used in superior education and in scientific research.
Special exhibitions of learned, technical, agricultural, commercial, and industrial institutions and societies.
Scientific expeditions.

CLASS 9.—*Printing and book-selling.*

Specimens of typography, autographic proofs, lithographic proofs in black and colors; proofs of engravings.
New books, and new editions of books already known; collections of works forming special libraries; periodicals. Drawings, atlases, and albums.

CLASS 10.—*Stationery, book-binding, and articles used in painting and drawing.*

Paper, cards, and card-boards; ink, chalk, crayons, pastels, desk furniture, articles used in offices, inkstands, letter-scales, etc., and copying-presses
Articles made of paper such as shades lanterns, flower-pot screens etc.
Record-books, copy-books, albums, and note-books; bindings, movable bindings, cases, etc.
Various articles for washes and water-colors; paints in cakes, in pastels, in bladders, tubes, and shells
Instruments and apparatus for the use of painters, designers, and modelers.

CLASS 11.—*Ordinary application of the arts of designing and modeling.*

Industrial designs; designs obtained, reproduced or reduced by mechanical process. Decorative paintings, lithographs, chromo-lithographs, or engravings to be used in manufactures. Models for figures, ornaments, etc.
Molded, stamped, chiseled, and carved articles. Cameos, seals, and various articles decorated by means of engraving. Industrial decorative plastic goods made by mechanical process; reductions, etc.

CLASS 12.—*Photographic proofs and apparatus.*

Photographs on paper, glass, wood, cloth, enamel, etc. Heliographic engravings, lithographic proofs, litho-photographic proofs, photographic *clichés*, stereoscopic proofs and stereoscopes. Proofs obtained by amplification. Photochromy.
Instruments, apparatus, and raw material used in photography. Articles used by photographers.

CLASS 13.—*Musical instruments.*

Non-metallic wind instruments, with single mouth-piece, with *bec de sifflet*, with reeds, with or without air reservoirs.
Metallic wind instruments, single, with extensions, with slides, with pistons, with keys, and with reeds.
Wind instruments with keys: organs, accordions, etc.
Stringed instruments played with the fingers or with a bow, without keys.
Stringed instruments with keys: pianos, etc.
Pulsatile instruments, or those played by means of friction. Automatic instruments: hand-organs and bird-organs.
Detached pieces and articles used in orchestras.

CLASS 14.—*Medicine and surgery—Veterinary and comparative medicine.*

Articles, instruments, and apparatus used in anatomical, histological, and bacteriological work.
Normal and pathological anatomical specimens; histological and bacterioscopical preparations.
Instruments for medical examinations, both general and special.
Apparatus and instruments used in general, local, and special surgery.
Apparatus used for dressing wounds.
Apparatus used in plastic and mechanical prothesis; orthopedic apparatus; apparatus used in hernial surgery; balneatory and hydrotherapeutical apparatus; apparatus used in medical gymnastics; articles, instruments, and apparatus used in special therapeutics.

Articles used in dental surgery.
Miscellaneous articles for the use of the infirm, the sick, and the insane.
Accessory articles used in the medical, surgical and pharmaceutical service of hospitals or infirmaries.
Cases for instruments and medicines for the use of army and navy surgeons. Articles for use in succoring the wounded on battle-fields.
Appliances for resuscitating the drowned and the asphyxiated.
Special articles, instruments, and appliances used by veterinary surgeons.

CLASS 15.—*Philosophical instruments.*

Philosophical apparatus and instruments.
Apparatus and instruments used in practical geometry, surveying, topography, and geodesy; compasses; calculating machines; levels; mariners' compasses, barometers, etc.
Measuring apparatus and instruments; verniers, micrometric screws, dividing machines, etc., and philosophical balances.
Instruments used in ordinary optics. Astronomical instruments. Physical and meteorological instruments, etc. Instruments and apparatus for laboratories and observatories.
Measures and weights of different countries. Coins and medals.

CLASS 16.—*Geographical and cosmographical maps and apparatus—Topography—Models, plans, and designs for civil engineering and public works.*

Geographical, geological, hydrographic, and astronomical maps and atlases.
Physical maps of all kinds. Plain or raised topographical maps.
Terrestrial and celestial globes and spheres. Statistical works and tables. Tables and ephemerides for the use of astronomers and navigators.
Models, plans, and designs for public works, such as bridges, viaducts, aqueducts, drains, canal-bridges, locks, dams, etc.
Models, plans, and designs for public buildings to be used for special purposes; municipal buildings, hotels, and tenement houses; houses for the occupancy of the working-classes.
Models, plans, and designs for stations, car-houses, and sundry buildings required by railways.

## THIRD GROUP.

### FURNITURE, ETC.

CLASS 17.—*Cheap and fancy furniture.*

Buffets, book-cases, tables, toilet-tables, beds, sofas, chairs, billiard-tables, etc.

CLASS 18.—*Tapestry and decorative work.*

Cushions, upholstered chairs, canopies, curtains, hangings, and tapestry.
Decorative articles and furniture. Molded pulp, and decorative articles of plaster, statuary pasteboard, papier-mâché, etc. Frames. Paintings and decorations for churches.

CLASS 19.—*Glass articles and window-glass.*

Vases and goblets; carved, double, and mounted crystals, etc. Ordinary vases and goblets. Common glass-ware and bottles. Glass for windows and mirrors. Highly finished, enameled, filigreed, and tempered glass, etc.
Glasses for optical purposes; articles for ornament, etc. Stained glass for windows. Mirrors, looking-glasses, etc.

CLASS 20.—*Ceramics.*

Semi-vitrified porcelain, hard and brittle porcelain. Fine painted china, etc. Semi-vitrified china. Baked clay. Enameled lava. Bricks and squares. Ceramic stones.

CLASS 21.—*Carpets, tapestry, and other fabrics used in house-furnishing.*

Carpets, moquettes, and tapestry, velvety or with flock surface. Carpets of felt, mats, etc. India-rubber carpets, etc.
Fabrics used in furnishing, such as cotton, wool, or silk, plain or figured. Fabrics of horse-hair, vegetable leather, mole-skin, etc. Leather used for hangings and furniture. Oil-cloths and linoleums.

CLASS 22.—*Decorated paper.*

Printed paper. Paper with velvety surface, marbled, grained paper, etc. Paper for book-binders' boards, binding, etc. Artistic papers. Enameled and varnished paper. Imitations of wood and leather. Painted or printed blinds.

CLASS 23.—*Cutlery.*

Knives, penknives, scissors, razors, etc. Various articles of cutlery.

CLASS 24.—*Silverware.*

Silverware for use in churches; decorative and table silver; articles of silver for the toilet, for office use, etc.

CLASS 25.—*Bronzes, cast-iron articles used in the arts, repoussé work in metals.*

Statues and bas-reliefs in bronze, cast-iron, zinc, etc. Cast metals with metallic coatings.
*Repoussé* work in copper, lead, zinc, etc.

CLASS 26.—*Watches and clocks.*

Detached pieces, both large and small, used in the manufacture of clocks and watches.
Watches, chronometers, pedometers, sundry reckoners, etc. Mantel and other clocks; regulators and metronomes.
Astronomical clocks, chronometers for the Navy; traveling clocks. Alarm clocks, etc. Water clocks and hour-glasses.

CLASS 27.—*Apparatus and processes used in warming buildings—Apparatus and processes used for lighting otherwise than by electricity.*

Hearths, fire-places, stoves, and furnaces. Accessory appliances for heating houses. Stoves and apparatus for heating and cooking with gas.
Apparatus for heating by means of hot water, steam, and hot air.
Lamps for lighting by means of sundry oils and essences.
Accessory articles for lighting. Matches. Accessory appliances and apparatus for lighting by gas. Apparatus for lighting by means of magnesium, etc.

CLASS 28.—*Perfumery.*

Cosmetics and pomatums; perfume oils, extracts, and scented waters; aromatic vinegar; almond paste, powders, pastilles and perfume sachets; perfumes for burning toilet soaps.

CLASS 29.—*Morocco goods, toys, baskets, and brushes.*

Work-boxes and small fancy articles of furniture; liqueur-cases and glove-cases. Fancy boxes.
Cases and bags, jewel-boxes. Porte-monnaies, pocket-books, note-books, and cigar-cases.
Turned, machine-turned, carved, and engraved articles of ivory, shell, etc. Pipes and tobacco-boxes.
Fancy combs; fine toilet brushes.
Miscellaneous lacquer articles.
Fancy baskets; *clissages* and fine esparto goods.
Coarse brushes and feather dusters.
Paint-brushes.

## FOURTH GROUP.

### FABRICS, WEARING APPAREL, ETC.

CLASS 30.—*Thread and cotton fabrics.*

Prepared and spun cotton.
Fabrics of pure cotton, plain or figured.
Fabrics of mixed cotton.
Cotton velvet.
Cotton ribbons.

CLASS 31.—*Thread and fabrics of hemp, flax, etc.*

Flax, hemp, and other vegetable fibers, spun.
Canvas and drilling.
Cambric.
Fabrics of thread, with a mixture of cotton or silk.
Fabrics of vegetable fibers, other than those of cotton, flax, and hemp.

CLASS 32.—*Threads and fabrics of combed wool—Threads and fabrics of carded wool.*

Combed wool, threads of combed wool.
Mousselines, Scotch cassimeres, merinos, serges, etc.
Woolen ribbons and laces mixed with cotton or thread, silk, or floss silk.
Fabrics of hair, pure or mixed.
Woolen shawls, pure or mixed.
Cashmere shawls.
Carded wool; threads of carded wool.
Cloths and other fabrics of carded wool.
Blankets.
Felt of wool or hair, for carpets and hats.
Socks.
Fabrics of carded wool, unfulled or slightly fulled; such as flannels, tartans, swanskins, etc.

CLASS 33.—*Silks and silk fabrics.*

Raw and thrown silks; threads of floss silk.
Fabrics of pure silk, plain, highly finished, figured.
Fabrics of silk mixed with gold, silver, cotton, wool, thread, etc.
Fabrics of floss silk, pure or mixed.
Velvets and plushes.
Ribbons of pure or mixed silk.
Shawls of pure or mixed silk.

CLASS 34.—*Laces, tulles, embroidery, and lace work.*

Laces of thread or cotton, made with the spindle, the needle, or by mechanical process.
Laces of silk, wool, or goats' hair.
Silver or gold lace.
Silk or cotton tulle, plain or figured.
Embroidery in tambour-work, crocheting, etc.
Embroidery in gold, silver, and silk.
Sacerdotal vestments.
Embroidery, tapestry, and other hand work.
Laces of silk, floss silk, wool, goats' hair, sundry kinds of hair, horse hair, thread, and cotton; braids, etc.
Fine and imitation lace work. Special lace work for military equipments.

CLASS 35.—*Articles of hosiery and underclothing—Other articles of wearing apparel.*

Hosiery of cotton, thread, wool, or silk cashmere, or of floss-silk, pure or mixed. Elastic fabrics; knit goods. Gentlemen's, ladies', and children's furnishings; baby linen. Flannel goods and other woolen fabrics. Corsets, cravats, gloves, gaiters, garters, suspenders, fans, screens, umbrellas, parasols, canes, etc.

CLASS 36.—*Wearing apparel for both sexes.*

Men's clothing, women's clothing.
Hats and head-gear for both sexes; artificial flowers and feathers.
Wigs and hair-work.
Boots, shoes, etc.
Children's furnishings.
Special garments for different occupations.
Popular costumes of different countries.

CLASS 37.—*Jewelry and trinkets.*

Jewels of precious metals, carved, filigreed, adorned with precious stones, etc.
Plated and imitation jewelry.
Trinkets of jet, amber, coral, mother-of-pearl, steel, etc.
Diamonds, precious stones, pearls, and imitations.

CLASS 38.—*Portable arms—Hunting.*

Defensive weapons: Cuirasses, helmets.
Blunt weapons: Clubs, bludgeons, etc.
Side-arms: Swords, sabers, bayonets, spears, axes, and hunting knives.
Missile weapons: Bows, cross-bows, etc.
Fire-arms: Guns, carbines, pistols, revolvers.
Other articles made by gunsmiths. Filled or hollow projectiles, explosives. Caps, priming tubes, cartridges.
Hunting equipments; instruments used in training dogs.
Articles used in fencing.

CLASS 39.—*Articles for traveling and camping out.*

Trunks, valises, saddle-bags, etc. Traveling cases. Miscellaneous articles. Traveling rugs; cushions; head-gear; water-proof garments; iron-bound staffs; grapnels; parasols.
Portable articles specially designed for travelers and persons going on scientific expeditions; cases and baggage for the use of geologists, mineralogists, naturalists, settlers, pioneers, etc.
Tents and articles for use in camp, such as beds, hammocks, seats, folding-chairs, etc.

CLASS 40.—*Toys.*

Dolls and toys; also wax figures.
Games intended for the amusement of children or adults.
Instructive and scientific toys.

## FIFTH GROUP.

### EXTRACTIVE ARTS, RAW AND MANUFACTURED PRODUCTS.

CLASS 41.—*Products of mining and metalurigy.*

Collections and specimens of rocks, minerals and ores; ornamental rocks; hard rocks; refractory substances; earths and clays; various mineral products; raw sulphur; rock salt, salt from salt springs; mineral fuel, various coals, residua, and agglomerates; asphalts and asphaltic rocks; bitumen, coal-tar, unrefined petroleum, etc.
Unwrought metals: Smeltings, iron, steel, iron in process of conversion to steel, copper, lead; silver, zinc, etc.; metallic alloys.
Products of the art of the leacher of ashes, and of the refiner of precious metals, of the gold-beater, etc.
Products of the manufacture of unwrought metals: Castings, bells, commercial iron (pig-iron); special kinds of iron; sheet-iron and tin; sheet-iron for sheeting and building purposes, etc.
Sheet-iron coated with zinc and coated with lead, etc.; copper, lead, and zinc sheets, etc.
Wrought metals: Forge-work and large iron-work; wheels and tires; unsoldered tubes, chains, etc.
Products of wire-drawing: Needles, pins, metallic cables, lattices, wire gauzes, punched sheets.
Hardware, edge-tools, manufactures of iron, of copper, of sheet-iron, iron-ware, and tin-ware.
Various wrought metals.

CLASS 42.—*Products of forest growth and forest industries.*

Specimens of forest species.
Wood for ornamental work, fuel, and building purposes. Wood prepared for naval purposes, clapboards, split wood.
Cork; textile barks. Substances for tanning, dyeing, scenting, and resinous substances, etc.
Products of forest industries: Woods dried by fire and charcoals; potash in the raw state; articles manufactured by the cooper, the basket-maker, manufactures of esparto, wooden shoes, etc.

CLASS 43.—*Products of the chase—Products of the fisheries, apparatus and instruments for fishing, and for gathering fruits of natural growth; products of the latter.*

Collections and drawings of amphibious animals, birds, eggs, fishes, cetacea, mollusks, and crustacea.

Products of the chase: Furs and skins, hair, horse-hair, feathers, down, horns, teeth, ivory, bones, shells, musk, castoreum, and similar products.

Products of the fisheries: Whale-oil, spermaceti, etc.; whalebone, amber-gris, mollusk-shells, pearls, mother-of-pearl, sepia, purple, corals, sponges, etc.

Products of fruit growth or of crops obtained without cultivation: Mushrooms, truffles, wild fruits, lichens used in dyeing, for food or forage; fermented saps; quinquinas; useful barks and filaments, wax, gum-resins, caoutchouc in the raw state, gutta-percha, etc.

Snares and apparatus: Lines and hooks, harpoons, nets, apparatus and bait for fishing.

Apparatus and instruments for harvesting products obtained without cultivation.

CLASS 44.—*Agricultural products not used for food.*

Textile substances: Raw cotton, flax and hemp, dressed and undressed; textile vegetable fibers of every kind; wool in the raw state, washed and unwashed; silk-worm cocoons.

Various agricultural products employed in industry, in pharmacy, and in domestic economy; oleaginous plants, oils, wax, resins.

Leaf or manufactured tobacco. Touch-wood.

Tanning and dyeing substances.

Stored forage and substances specially intended for feeding animals.

CLASS 45.—*Chemical and pharmaceutical products.*

Acids, alkalis, salts of all kinds, sea salts, and products resulting from the treatment of mother-waters.

Various products of the chemical industries; wax and fat bodies; soaps and candles; elementary bodies of perfumery; resins, tar and derived bodies; essences and varnishes; various glazes; blacking.

Elementary bodies of pharmacy; simple and compound medicines.

Products of the caoutchouc and gutta-percha industries; dyeing substances and colors.

Products derived from the treatment of mineral matters utilized for light.

CLASS 46.—*Chemical methods of bleaching, dyeing, printing, and finishing.*

Specimens of threads and stuffs bleached and dyed. Samples of dyeing preparations.

Specimens of printed or dyed cloths, of cotton prints, pure or mixed. Specimens of woolen prints, pure or mixed, combed or carded.

Specimens of silk prints, pure or mixed.

Specimens of printed felt or cloth carpet; of oil-cloths.

CLASS 47.—*Leathers and skins.*

Elementary substances employed in the preparation of skins and leather.

Green skins, salted skins, tanned leather, curried leather, pressed leather, or dyed leather; varnished leather.

Morocco and sheep-skins; Hungary-dressed skins; shamoy-dressed skins; tawed skins; dressed or dyed skins; skins prepared for gloves; peltry and furs, dressed or dyed; parchments.

Articles of gut work. Cords for musical instruments; gold-beater's skins; ligaments of the ox, etc.

## SIXTH GROUP.

### APPARATUS AND METHODS OF THE MECHANICAL INDUSTRIES—ELECTRICITY.

CLASS 48.—*Apparatus and methods of working mines and of metallurgy.*

Apparatus for search borings for artesian wells, and for wells in long tubular sections.

Models, plans, and sketches of the working of mines and quarries.

Methods of utilizing the flow of mineral waters.

Machines and apparatus intended for lifting—for carrying down and bringing up the workmen from the mine.

Machines for drainage; pumps.
Machinery for pumping in air; ventilators.
Safety lamps; safety apparatus; parachutes; signals.
Apparatus for the mechanical preparation of ores and mineral fuel.
Apparatus for compressing fuel.
Apparatus for carbonizing fuel; furnaces and metallurgic blasts; smoke-consuming apparatus.
Plant of metallurgical shops.
Special plant of forges and foundries.
Plant of shops for working up the metals under all forms.

CLASS 49.—*Apparatus and methods of farming and forestry.*

Plans for the cultivation, distribution, and management of crops.
Plant and works of agricultural engineering: Surface drainage, subsoil drainage, irrigation.
Plans and models of agricultural buildings.
Tools, instruments, machines, and apparatus serving for plowing nd other dressings given to the ground for sowing and planting, harvesting, preparing, and preserving the products of cultivation.
Various agricultural machines moved by teams or steam.
Plant for carts and agricultural conveyances.
Movable steam-engines for special purposes and horse-gins.
Fertilizers of organic or mineral origin.
Apparatus for the physical and chemical study of soils.
Plans of methods of replanting, managing, and cultivating forests.
Plant for forest work and forest industries.
Plant, instruments, and machines for the manufacture of tobacco.

CLASS 50.—*Plant and methods of agricultural manufactories and food industries.*

Plant for agricultural manufactories; manufactories of artificial fertilizers, of drainage pipes; cheese-factories, dairies, flour-mills, farina-mills; starch-mills, oil-mills, breweries, distilleries, sugar-mills, refineries, mills for the manufacture of textile substances, silk-worm nurseries, etc.
Plant for the manufacture of food products: bread-beaters and mechanical ovens for bakers; pastry and confectionery utensils.
Apparatus for the manufacture of doughs for food, sea-biscuit, etc.; machines for making chocolate; apparatus for drying coffee.
Preparation of ices and sherbets; manufacture and keeping of ice.

CLASS 51.—*Plant of the chemical arts, pharmacy and tanning.*

Laboratory utensils and apparatus; enameling lamps; blow-pipes.
Apparatus and instruments designed for industrial and commercial experiments.
Plant and apparatus of the manufactories of chemical products; soaps and candles.
Plant and methods of the manufacture of essences, varnishes, articles of caoutchouc and gutta-percha.
Plant of factories using the mineral substances useful for light.
Plant and methods of bleaching factories.
Plant for the preparation of pharmaceutical products.
Plant of factories for tanning and tawing leather.
Plant and methods of glass factories and manufactories of ceramic products.

CLASS 52.—*Machines and apparatus of general mechanics.*

Detached pieces of machinery: Supports, rubble-stones, sliding-rods, eccentrics, gearing, coupling-rods, parallelograms and joints, pulleys, belts, funicular systems, etc; couplings, monkeys, etc; regulators and moderators of motion; apparatus for greasing.
Indicators and registers; dynamometers, manometers, weighing apparatus; gauging apparatus for liquids and gases.
Machines used for handling heavy masses.
Hydraulic lifting machines: Norias, pumps, tympanums, hydraulic rams, etc.
Hydraulic receivers: Wheels, turbines, water-pressure engines.
Hydraulic presses.
Engines moved by steam: Stationary engines, stationary and movable engines, movable engines, boilers, steam-generators, and accessory apparatus.
Apparatus for condensing vapors.

Engines moved by other vapors than steam; by combined vapors.
Gas, hot-air, and compressed-air engines.
Apparatus for the transmission of force by water and by air.
Wind-mills and *panandmones* (wind vanes ?).
Balloons.

CLASS 53.—*Machine tools.*

Machine tools used for working up wood: Planes, *toupies* (molding cones? turning lathes?); circular and belt saws; mortise cutters, etc.; machines for making casks; machines for cutting cork.

Turning-lathes and fine boring and planing machines; mortise-cutting machines, piercing machines, cutting presses, circular-saw cutting machines (?) (*machines à fraiser*), machines for cutting out curves (?) (*machines à décolleter*), punching machines, screw-cutting machines, riveting machines, etc.; drills; various tools of shops of mechanical construction.

Stones for whetting, scraping, polishing, etc.

Tools, machines, and apparatus used for pressing, crushing, kneading, sawing, polishing, etc. Special machine-tools in the various industries.

CLASS 54.—*Plant and methods of rope-spinning.*

Plant of hand-spinning. Detached pieces belonging to the plant of spinning-mills Machines and apparatus used in the preparation and spinning of textile substances. Apparatus and methods used in the operations complementary to these: drawing, dividing, twisting throwing; mechanical preparations. Apparatus for drying and determining the thickness and length of the threads.

Plant of rope-spinning mills, round cables, flat cables, *cables diminués* (short cables?), ropes, strings, wire cables, cables with a metal core, fuses, quick matches, etc.

CLASS 55.—*Apparatus and methods of weaving.*

Machines for warping, winding. Stretching-machines. Ordinary and mechanical frames for the manufacture of close tissues. Frames for the manufacture of figured and embroidered stuffs; damask looms.

Frames for manufacturing carpets and tapestries.

Frames with meshes for the manufacture of hosiery and tulles. Plant for the manufacture of lace. Plant of lace-work factories.

High-warp tapestry frames, and methods of figuring by means of pirns (?) (*espoulinage*). Accessory apparatus: machines for fulling, mangling, diapering, watering, measuring, folding, etc.

CLASS 56.—*Plant and methods of sewing and making articles of clothing.*

Ordinary tools of sewing and finishing shops. Machines for sewing, stitching, seaming, and embroidering.

Saws for cutting stuffs and leathers for the manufacture of articles of clothing and boots.

Machines for making, pegging, and screwing shoes.

Machines for utilizing caoutchouc.

CLASS 57.—*Plant and methods of manufacture of articles of furniture and of building material.*

Machine for cutting up wood for veneering. Saws for cutting up and profile cutting, etc.

Machines for making moldings, borders for frames, floor-plates, furniture, etc. Turning-lathes and different apparatus of the joiner's and cabinet-maker's shops.

Machines for stamping and chasing, machines and apparatus for working in stucco, pasteboard, ivory, bone, horn, etc.

Machines for bringing to a point (*à mettre au point*), sculpturing, chiseling down statues, engraving, engraving in waved lines, etc.

Brick machines, tile machines. Machines for making artificial stones.

Machines for sawing and polishing hard stones, marbles, etc.

CLASS 58.—*Plant and methods of paper manufacture, dyeing and printing.*

Plant and products of the manufacture of paper pulp of wood, straw, alfa, etc.

Methods and products of the bleaching of ligneous fibes

Plant of the manufacture of paper by the vat and by machine.
Apparatus for satining, glazing, watering, diapering, filigreeing, and ruling paper.
Machines for cutting up, cutting and stamping paper, etc.
Plant for bleaching, coloring, and finishing paper and tissues.
Plant for printing paper-hangings and tissues.
Machines for engraving the printing rollers.
Plant, apparatus, and products of foundries for types, stereotype plates, etc.
Machines and apparatus employed in printing, stereotyping, engraving, autography, lithography, engraving on copper, engraving on zinc, chromo-lithography, etc.
Machines for setting up and sorting type.
Printing of bank-notes, stamps, etc.

CLASS 59.—*Machines, instruments, and methods used in various occupations.*

Coining-presses; machines used in the manufacture of buttons, pens, pins, letter-envelopes; machines for packing, making brushes and cards; manufacturing capsules; leading goods; corking bottles, etc.
Tools and methods of manufacture of articles of clock-work, toys, mosaic-work, basket-work, etc.
Machines for binding; writing-machines.

CLASS 60.—*Carriage and wagon making, harness-making, and saddlery.*

Detached pieces of wagon and carriage manufacture; wheels, tires, axles, wheel-boxes, iron work, etc. Springs, and various systems of suspension.
Methods of harnessing; bits.
Products of the wagon-building industry: Wagons, carts, drays, vehicles destined for special purposes.
Products of carriage-building: Carriages for hire, state carriages, private carriages, sedan-chairs, litters, sledges, etc., velocipedes.
Articles of harness and saddlery; pack-saddles, saddles, stretchers for conveying the wounded on the backs of mules; bridles and harness for riding-animals; beasts of burden and draught; stirrups, spurs, whips, and riding-whips.

CLASS 61.—*Plant for railroads.*

Detached pieces: Springs, buffers, brakes, etc.
Fixed plant: Rails, chairs, fish-plates, side-tanks, switches, turn-tables; rubber buffers; cranes for supplying fuel and water-tanks; optical and acoustic signals. Various kinds of safety apparatus, of blocking trains.
Fixed plant for tramways.
Rolling-stock: Passenger-cars, construction-cars, freight-cars, cattle-cars, locomotives, tenders.
Self-movable carriages and road engines.
Special machines and tools for shops of maintenance and repair and the construction of plant.
Plant and machines for inclined planes and self-movable planes; models of machines of systems of traction, of apparatus relating to railways.
Rolling-stock for tramways of various kinds.

CLASS 62.—*Electricity.*

Production of electricity: Static electricity, piles and accessories, magneto-electrical and dynamo-electrical machines, accumulators.
Transmission of electricity: Cables, wires, and accessories; lightning-rods.
Electrometry: Apparatus serving for electrical gauges. Registers of electricity.
Applications of electricity: Telegraphy, signals, telephony, microphony, photophony, electric light, electric motors, electrical locomotion, conveyance and distribution of force transmuters. Medical electricty, electro-chemistry. Electro-magnets and magnets, compasses. Electrical clock-work.
Various kinds of apparatus.

CLASS 63.—*Plant and methods of civil engineering of public works and architecture.*

Building materials: Rocks, woods, metals, ornamental stones; limestone, mortars, cements, artificial stones and concretes; draining tiles, bricks, paving-tiles; slates, roofing-paper and felts for roofs.
Plant and products of the methods employed for the preservation of wood. Apparatus and instruments for testing building materal.

Plant for earthworks; excavators. Apparatus for construction-shops. Tools and methods of the trimmer, of the cutter of stones, of the mason, carpenter, roofer, lock-smith, joiner, glazier, plumber, painter of buildings, etc.

Fine lock-smith's work: Locks, padlocks, gratings, balconies, balustrades, etc.

Plant and engines for building foundations: Pile-drivers, piles, screw-piles, pumps, pneumatic apparatus, dredges, etc.

Plant for hydraulic works in sea-ports, canals, rivers.

Plant and apparatus serving for the distribution of water and gas. Plant for maintaining roads, plantations, walks.

Light-houses.

Special plant for telegraphing by compressed air.

CLASS 64.—*Hygiene and public works.*

Plant instruments and apparatus used in hygiene investigations.

Plant and methods for rendering salubrious private houses, buildings, and cities; methods of renewing the air directly; warming, ventilating, lighting in their relation with health; methods of carrying off water and sewerage by gutters, drains, and sewers; receiving reservoirs, hydraulic siphons, water-closets, public and private urinals, sinks, close-stools, night-soil apparatus, sanitary plumbing, walls, bricks, roofs flooring, etc.

Apparatus for carrying off, receiving, and treating sewerage.

Apparatus and methods for filtering water.

Apparatus intended for the prevention of infectious diseases; methods, products, and instruments for purifying, destroying germs, and disinfecting.

Apparatus and instruments for interring and destroying dead bodies in cemeteries and on battle-fields; cremation.

Plans, models, and documents of health offices, national, departmental, and communal.

Plant and methods of industrial and professional hygiene.

Plans, models, arrangement, and furniture of hospitals, various asylums, houses of refuge, of retreats, insane asylums, infant asylums, etc.

Plans, models, specimens of civil and military ambulances.

Mineral waters and waters charged with natural or artificial gases.

CLASS 65.—*Plant of navigation and life-saving.*

Drawings and models of stocks, refitting-basins, floating docks, etc.

Drawings and models of buildings of all kinds used for river and maritime navigation. Plans and models of systems of construction adopted in the merchant and war services, torpedo-boats, ship's boats, and small craft.

Plant of ship's rigging; cranes, capstans. *Vireurs* (steam-capstans?) steering-gear.

Equipment.

Flags and signals. Apparatus intended to prevent collisions at sea; buoys, beacons, etc.

Instruments and methods of swimming, diving, and life-saving; life-preservers, swimming-belts, etc.; diving-bells, nautiluses, diving-armor, etc.; submarine-boats, instruments for the martime life-saving service; mortars for casting lines; life-boats, etc.; instruments for life-saving in case or fire and other accidents.

Pleasure-boats.

CLASS 66.—*Instruments and methods of the art of war.*

Works of military engineering; fortifications.

Artillery, arms, gun-carriages, and projectiles of all kinds.

Equipment, clothing material, and material for camps.

Plant used for military transport.

Military topography and geography.

## SEVENTH GROUP.

### FOOD PRODUCTS.

CLASS 67.—*Cereals. Farinaceous products with their derivatives.*

Wheat, rye, barley, rice, maize, millet, and other cereals in the grain, and when ground.

Hulled grain and oatmeal.

Potato starch, rice starch, lentil starch, etc., gluten.

Tapioca, sago, arrow-root, various starches, mixed farinaceous products.
Italian paste, semolino, vermicelli. maccaroni.
Preparations of food intended to take the place of bread, noules (pastry), pap, pastry of domestic make.

CLASS 68.—*Products of the bakery and pastry shop.*

Various kinds of bread, leavened and unleavened; fancy breads and *pains façonnés* (bread worked into figures?); pressed bread, for traveling, military campaigns, etc.; sea-biscuit.
Different products of pastry belonging to each country. Spice-bread and dry cakes fit for keeping.

CLASS 69.—*Fat bodies used for food, milk products, and eggs.*

Fats and oils for food.
Fresh milk, condensed milk; salt and fresh butter; cheeses.
Eggs of all kinds.

CLASS 70.—*Meats and fishes.*

Salt meats of every kind. Meats preserved by various processes. Meat and soup tablets. Hams and preparations of meat.
Poultry and game.
Salt fish, packed fish, codfish, herrings, etc.; fish cured in oil; sardines, pickled mackerel, etc.
Crustacea and shell-fish: Lobsters, shrimps, oysters; pickled oysters, anchovies, etc.

CLASS 71.—*Vegetables and fruits.*

Roots, potatoes, etc.
Dry farinaceous vegetables: Beans, lentils, etc.
Green vegetables for boiling: Cabbage, etc.
Vegetable roots: Carrots, turnips, etc.
Spice vegetables: Onions, garlic, etc.
Salads, cucurbitaceous plants, pumpkins, melons, etc.
Vegetables preserved by various processes.
Fruits in the fresh state; fruits dried and prepared; prunes, figs, raisins, etc.
Fruits preserved without the aid of sugar.

CLASS 72.—*Condiments and stimulants; sugars and products of confectionery.*

Spice: Pepper, cinnamon, allspice, etc.
Table salt.
Vinegar.
Condiments and compounded stimulants: Mustard, karis, sauces, etc.
Teas, coffees, and aromatic drinks; coffees of chicory and sweet acorns.
Chocolates.
Sugars intended for domestic and other uses.
Various products of confectionery: Sugar-plums, sugar bon-bons, *foridants* (a kind of bon-bon), nougat, angelica, anise, sweet-meats, and jellies.
Conserves.
Brandied fruits.
Sirups and sugared liquors.

CLASS 73.—*Fermented drinks.*

*Vin ordinaire*, red and white.
Cordials and *vin cuits* (wines treated by fire?).
Sparkling wines.
Ciders, perry, and other drinks extracted from cereals.
Fermented drinks of every kind.
Brandies and alcohols.
Spirituous liquors, gin, rum, tafia, kirschwasser, etc.

## EIGHTH GROUP.

### AGRICULTURE, CULTIVATION OF THE VINE, AND FISH CULTURE.

CLASS 74.—*Specimens of farm improvements and factories of agricultural products.*

Plans of farm buildings of various countries.
Plans of stables, cow-stables, sheep sheds and folds, pig-stys, and buildings fit for raising and fattening animals.
Material for stables, cow-stables, kennels, etc.
Apparatus for preparing food for animals.
Agricultural machines in operation: Steam-plows, reapers, mowers, hay-makers, thrashers, etc.
Plans of agricultural manufactories: Distilleries, sugar-mills, refineries, breweries, flour-mills, fecula and starch factories, silk-worm nurseries.
Cider presses, oil presses.
Plans for poultry-houses, pigeon-coops, pheasant coops.
Apparatus for artificial hatching.
Plans of kennels.

CLASS 75.—*Viticulture.*

Plans of buildings used in viticulture.
Plant used in the cultivation of the vine.
Plant of wine vaults, cellars, and vats. Presses.
Courses and methods employed in fighting diseases of the vine.
Collections of vines.

CLASS 76.—*Useful and injurious insects.*

Bees, silk-worms, and various kinds of hornbyx.
Cochineal.
Material for raising and preserving bees and silk-worms.
Material and methods used in the destruction of injurious insects.

CLASS 77.—*Fish, crustacea, and mollusks.*

Useful aquatic animals in the live state.
Aquariums, methods of pisciculture.
Material for rearing fish, mollusks, and leeches.

## NINTH GROUP.

### HORTICULTURE.

CLASS 78.—*Conservatories and material used in horticulture.*

Tools of the gardener, nursery-gardener, and cultivator of flowers.
Apparatus for watering, keeping up turf.
Large conservatories and their appurtenances.
Small room-conservatories and window-conservatories.
Aquariums for aquatic plants.
Fountains and apparatus for the ornamentation of gardens.

CLASS 79.—*Flowers and ornamental plants.*

Species of plants and specimens of cultivation indicating the characteristic types of the gardens and the natives of every country.

CLASS 80.—*Kitchen gardens.*

Species of plants and specimens of cultivation indicating the characteristic types of the kitchen gardens of every country.

CLASS 81.—*Fruits and fruit trees*

Species of plants and specimens of the products of cultivation indicating the characteristic types of the orchards of every country.

CLASS 82.—*Grains and plants of forest species.*

Species of plants and specimens of the products of cultivation indicating the methods of forest planting in use in every country.

CLASS 83.—*Plants grown under glass.*

Specimens of the methods of cultivating in use in various countries for pleasure or utility.

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[Annex No. 2.]

*Law of May 23, 1868, relating to the guaranty of inventions capable of being patented and of industrial designs, which shall be admitted to public expositions authorized by the Government throughout the whole Empire.*

ARTICLE 1.

Every Frenchman or foreigner, author of a discovery or invention capable of being patented under the provisions of the law of July 5, 1844, or of an industrial design which may be registered conformably with the law of March 18, 1806, or his representatives may, if admitted to a public exposition authorized by the Government, cause the delivery to them, by the prefect or the sub-prefect of the department or arrondissement in which the exposition is opened, of a certificate describing the object exhibited.

ARTICLE 2.

This certificate assures to its receiver the same rights which a patent of invention or a legal registration of an industrial design would grant, dating from the day of admission and extending to the end of the third month following the closing of the exposition, without prejudice to the patent which the exhibitor may receive or to the registration he may effect before the expiration of this period.

ARTICLE 3.

The request for this certificate is to be made within the first month, at very latest, from the opening of the exposition.

It is to be addressed to the prefecture, or sub-prefecture, and to be accompanied by an accurate description of the thing to be guaranteed, and, if there be occasion, by a plan or drawing of the said article.

The requests as well as the decisions made by the prefect or sub-prefect are to be recorded in a special register, which shall be afterwards transmitted to the department of agriculture, commerce, and public works, and communication of its contents shall be made, without charge, on every request.

The delivery of the certificate shall be free of costs.

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[Annex No. 3.]

*Decree issued on the report of the minister of commerce and industry declaring the premises appropriated to the Universal Exposition of 1889 to be a Government customs-house.*

THE PRESIDENT OF THE FRENCH REPUBLIC:

In view of the decree of November 8, 1884, and the law of July 6, 1886, authorizing the opening at Paris of a universal international exposition in 1889;

In view of article 34 of the law of December 17, 1814;

In view of article 4 of the law of July 5, 1836;
On the report of the minister of commerce and industry and of the minister of finance:

DECREES.

ARTICLE 1.

The premises appropriated to the Universal Exposition of 1889 are declared to be a Government customs-house.

ARTICLE 2.

Articles intended for the Universal Exposition shall be forwarded directly to the palace of the Exposition, under the conditions of international transit, or of ordinary transit, according to the choice of the interested parties, by all the offices opened to this transit, and free from statistical duty (*droit de statistique*).

Transmission by international transit shall be made without examination.

Transmission by ordinary transit shall give occasion only to a brief examination, and the seals of the custom-house shall be affixed without charge.

ARTICLE 3.

Goods admitted to the Universal Exposition which shall be offered for consumption shall be subjected, of whatever origin they may be, only to the duties applicable to similar products of the most favored nation.

ARTICLE 4.

The minister of commerce and industry and the minister of finance shall be charged, so far as each may be concerned, with the execution of the present decree.

Done at Mont-sous-Vandrey, August 25, 1886.

JULES GRÉVY.

By the President of the Republic.
The minister of commerce and industry:
ÉDOUARD LOCKROY.
The minister of finance:
SADI-CARNOT.

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[Annex No. 4.]

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|---|---|
| DEPARTMENT OF COMMERCE AND INDUSTRY.<br><br>*Universal Exposition of* 1889.<br><br>FRENCH SECTION. | DEPARTMENT OF ——<br><br>GROUP NO. ——<br><br>CLASS NO. —— |

*Request for admission.*

I, the undersigned[1] —— ——, residing at[2] —— ——, request to exhibit the products described below[3] —— ——, for the exhibition of which I shall need space corresponding to the following dimensions[4]:

Breadth, ——; height, ——; depth, ——. By these presents I declare that I am informed of the general regulation and accept it.

—— ——,
[Signature.]

[1] Name, Christian names, firm.

[2] Give the exact residence in the cities; name carefully the commune, canton, and arrondissement where the factories and isolated establishments are situated.

[3] Give as complete details as possible of the articles offered; state whether it is intended to exhibit machines or other objects demanding foundations or special constructions; and furnish, as far as possible, an annexed sketch of these foundations or constructions, with their cost. In case it is desired to exhibit apparatus demanding the employment of water, gas, or steam, it is requested that the quantity and pressure of gas or of vapor necessary shall be stated. If it is desired to put the machines in motion, it is necessary to give information of the rapidity of each and of the motive force needed, expressed in horse-power.

[4] These dimensions should comprise those of the cases, furniture, or platforms necessary for the exhibition of the articles.

[Extract from the general regulations.]

ARTICLE 31.

The director-general of the management can always direct the withdrawal of articles of any origin which by their nature or appearance may appear injurious to or incompatible with the purpose of the exposition or its proprieties.

ARTICLE 32.

* * * * * * *

Applications for admission from Paris and the department of the Seine are to be sent directly to the minister of commerce and industry, the commissioner-general at Paris, Quai d'Orsay, 25, or to the director-general of the management, Rue de Varenne, 80.

Applications from the departments will be received through the departmental committees, which will forward them to the same addresses.

All French applications thus collected are to be submitted according to their class to the examination of the committees on admission appointed by the minister and deciding without appeal.

It is essential that all applications should be forwarded as rapidly as possible.

The printed forms of applications for admission shall be put without charge at the disposition of the public:

(1) In Paris: At the department of commerce and industry, Quai d'Orsay, 25, and boulevard St. Germain, 244; at the administrative buildings of the exposition (avenue de la Bourdonnaye and rue de Varenne, 80), at the tribunal and the chamber of commerce.

(2) In the departments: At the prefectures, sub-prefectures, chambers of commerce, tribunals of commerce, consultative chambers of the arts and manufactures, and at the places where the departmental committees sit, as well as at the places of distribution which they shall have designated.

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## No. 2.

### *Mr. Bayard to Mr. Roustan.*

DEPARTMENT OF STATE,
*Washington, April* 13, 1887.

SIR: I have the honor to acknowledge the receipt of your note of the 6th instant in which you invite this Government to participate in the international exhibition which is to be held at Paris in 1889.

The matter will be brought to the attention of Congress at its next session, with a recommendation that provision be made for the participation of this country in the proposed exhibition.

I am, sir, your obedient servant,

T. F. BAYARD.

HON. THE. ROUSTAN.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 727.

IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, submitted the following

# REPORT:

[To accompany bill S. 1081.]

The Committee on Public Buildings and Grounds, to which was referred Senate bill 1081 "for the erection of a public building at Helena, Ark.," respectfully report the same with recommendation that it do pass.

The bill provides an appropriation of $50,000 for the purpose of erecting said building, and that its cost shall not exceed $75,000; and the building is to comprise accommodations for the United States district and circuit courts, the post-office, the United States internal-revenue office, and other Government offices.

The United States district and circuit courts have held two terms per annum at this city since 1876. For ten years the county in which the city is situated gave the Government the use of the county court-house and furniture free of charge, and since the expiration of that arrangement the Government has rented rooms in the second story of a business house and furnished them; but it is found that these rooms are inconvenient and very unsafe for the keeping of the records by reason of the dangers of fire.

By an act of the Forty-ninth Congress this court was given the exclusive jurisdiction of counties containing about 300,000 inhabitants, and it is the only point at which a court of admiralty jurisdiction is held on the west shore of the Mississippi River between Saint Louis and the Gulf of Mexico, while many very important navigable tributaries of that river flow into it from the west, and all the vessels navigating them touch at Helena, and that is the most convenient point for litigating all their controversies. It is not unlikely that Helena will at no distant day be made a port of entry or delivery for foreign commerce.

The postal business of the Government has assumed proportions there which now require more room and better facilities, and the business of the internal revenue also requires office room.

The Chief Architect estimates that $100,000 will be required to erect there a suitable building for the purposes of the Government, but the committee are of the opinion that a building sufficient to answer the present needs of the Government may be erected with $75,000, including the purchase of a suitable site.

The city of Helena is in the county of Phillips and State of Arkansas, on the western bank of the Mississippi River. It is situated at the base of what is called Crawley's Ridge, a ridge of high ground which begins at

the point where said city is situated and extends up to and into the State of Missouri. It is the only high point on the Mississippi River on its western bank from Cape Girardeau in Missouri to the Balize; it has a natural situation for a city. The census of 1880 showed a population of over 3,700 inhabitants; the census of to-day would show a population of fully double that amount. There are three railroads now terminating there, two of which give a western connection and one an eastern connection; one of the roads is the Knobel Branch of the Saint Louis and Iron Mountain road, affording a direct connection with Saint Louis. The road terminating on the eastern bank of the river gives a direct connection with New Orleans and with all the cities north and east.

The city has two large cotton-seed oil mills, in which some $200,000 have been invested. It has two large saw-mills, a cotton compress, a large and expensive elevator, an ice factory, fine gas-works, an electric-light plant (which is now being constructed), a fine opera-house (just completed and recently opened, and which cost about $25,000). The city will ship this year between 55,000 and 60,000 bales of cotton. The commercial interests are estimated to amount to some $8,000,000 yearly, which include the cotton shipped, the cotton-seed oil and cake manufactured, the lumber sawed, the ice manufactured, and the dry-goods and groceries sold.

Helena is the most important point in eastern Arkansas, and stands to that State what Saint Louis is to Missouri, Memphis to Tennessee, and Vicksburg to Mississippi. Considering the situation of Helena, its present progress and excellent prospects, and the need for suitable accommodations for Government offices, we deem the appropriation reasonable and desirable.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 728.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1835.]

The Committee on Military Affairs, to whom was referred the bill (S. 1835) for the relief of officers of the Army who have served continuously in one grade for twenty-one years, have considered the same, and they report the bill back to the Senate adversely, and recommending its indefinite postponement.

The committee have been brought to this conclusion by the subjoined letter from the Lieutenant-General of the Army. The committee are in full accord with the views expressed by General Sheridan as to the impropriety of officers seeking "to advance their private interests" through Congressional action, and they agree with him that "such action is contrary to all methods of military procedure and subversive of discipline." They entertain the hope that the letter of the Lieutenant-General will exercise a salutary effect in putting a stop to the reprehensible conduct to which he refers, and which is certainly "more honored in the breach than in the observance."

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HEADQUARTERS ARMY OF THE UNITED STATES,
*Washington, D. C., March* 6, 1888.

SIR: I have the honor to return herewith a bill (Senate 1835, Fiftieth Congress, first session) for the relief of officers who have served continuously twenty-one years in one grade, referred by you for my report, with the following remarks:

The courtesy and liberality which officers of the Army who desire to advance their private interests have received from members of Congress has encouraged many individuals to abuse the privileges afforded them until now any officer who desires to effect changes for his personal benefit can, by correspondence with some member of either house, succeed in obtaining the introduction of a bill for that purpose.

In my opinion such action is contrary to all methods of military procedure, and subversive of discipline. The accompanying bill has for its only object the increase of the pay of those officers who have served twenty-one years in any one grade, and is of necessity personal in its nature, being otherwise of no benefit to the service or to the great majority of the officers of the Army. Under present conditions it would benefit four colonels, sixteen majors, eighty-two captains, and five first lieutenants, and would increase by about $90,000 per annum the amount required for the pay of the Army, besides possibly transferring to the retired list many able-bodied officers fully competent to perform active duty.

For these reasons I can not give it my approval or recommend its passage.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
*Lieutenant-General, Commanding.*

Hon. WILLIAM C. ENDICOTT,
*Secretary of War.*



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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 729.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany petition of Maurice Quimby.]

*The Committee on Military Affairs, to whom was referred the petition of Maurice Quimby for removal of the charge of desertion, have duly considered the same and submit the following report:*

The petitioner alleges in his petition that he was mustered into the service as a private of Battery B, Pennsylvania Light Artillery, on the 5th day of January, 1864, and that about the 11th day of February, 1864, he was detailed with other comrades to cut poles and bring them to Camp Copeland, and that on his way to camp with a load of poles he fell down with great force, rolling down the hill, which was very slippery and icy, and severely injured his right shoulder, and for this injury was sent to the camp hospital near Pittsburgh, Pa., and treated for several weeks, and then sent home on a furlough.

After the furlough expired he reported for duty at Pittsburgh, Pa., Camp Copeland, and, being unfit for duty by reason of said injury, was sent to the hospital at Alexandria, Va., from which he was discharged. That on the 13th day of August, 1886, he applied for the removal of the charge of desertion to the War Department, and in March, 1886, he applied for pension, which was rejected on the ground that the military records showed that he had deserted. He alleges the fact to be that he was in the hospital at the time said charge was reported.

Your committee applied to the Secretary of War for a full report in this case, and received the following letter and the accompanying report of the Adjutant-General, U. S. Army, which fully explain themselves:

WAR DEPARTMENT,
*Washington City, February 28, 1888.*

SIR: Referring to your request of the 17th ultimo for a statement of the military service of Maurice Quimby, late of Battery B, Pennsylvania Light Artillery, for use in the consideration of a petition for the removal of the charge of desertion in his case, I have the honor to inclose a report of the 24th instant, from the Adjutant-General, embodying the information requested.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. F. M. COCKRELL,
*Of the Committee on Military Affairs, U. S. Senate.*

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, February 24, 1888.*

SIR: I have the honor to transmit letter from Hon. F. M. Cockrell, as subcommittee of the Senate Committee on Military Affairs, requesting certain information relative to the case of Maurice Quimby, late of Battery B, Pennsylvania Light Artillery, and to report as follows:

Morris Quimby (name also appearing on records as Maurice Quimby) was enlisted and sworn into service January 4, 1864, at Erie, Pa., for three years, and is reported on muster-rolls of that battery from January 1 to August 31, 1864, as "absent in hospital at Camp Copeland, Pennsylvania, since January 31, 1864;" on all subsequent muster-rolls to April 30, 1865, as "absent in general hospital at Pittsburgh, Pa., since January 10, 1864;" on roll for May and June, 1865, his name appears under the caption, "deserted," with remark, "has never joined the battery since his enlistment." His name is dropped from all subsequent muster-rolls of battery, but on its muster-out roll, dated October 12, 1865, it appears with remark, "deserted while the battery was in camp at Pittsburgh, Pa., February 11, 1864."

The records of Pittsburgh, Pa., and camps in the vicinity of the post on file in this office, and the records of hospitals at Camp Copeland and Pittsburgh, Pa., on file in the Surgeon-General's Office, afford no information relative to this soldier.

The records of the Provost-Marshal-General, U. S. Army, show that he deserted May, 1864, at Camp Copeland, was arrested January 12, 1865, at Springfield Township, Erie County, Pa. ($30 reward paid), and was delivered to the military provost-marshal, Harrisburg, Pa., January 15, 1865

He was received at Alexandria, Va., January 18, 1865, and confined in the military prison at that place until February 8, 1865, when he was discharged the service by reason of "chronic inflammation of the liver."

While an inmate of the military prison at Alexandria, Va., he made the following statements, viz:

Under date of January 21, 1865, that he "enlisted in Waterford, Pa., December 1, 1863, for three years and received $323 bounty. I (he) was sent to Camp Copeland, near Pittsburgh, Pa. I (he) remained at Waterford about five months. I (he) went home to Springfield, Erie County, Pa., without permission and put on citizen's clothes; remained there until arrested January 13, 1865, by a detective." * * *

Under date of January 25, 1865, that "I enlisted at Waterfield, Pa., on January 1, 1864, for three years, and received $425 bounty. I was sent to Camp Copeland, near Pittsburgh, Pa. I remained at Camp Copeland about two months. While at work at Camp Copeland I got hurt fetching poles, and went to the hospital there. I received a furlough for fifteen days from the surgeon, through the influence of Colonel Morris; reported back to Camp Copeland on time; after returning I done no duty, but remained around the camp. The surgeon said he did not consider me fit for duty as a soldier, as I was 60 years of age, and would get me discharged from the service. I received a furlough by the influence of the surgeon for ten days, and went to Springfield, Pa., Erie County. At the expiration of my furlough I returned to Camp Copeland, and still I was sick and unable to do duty. After remaining about camp two weeks, the captain commanding the battery—I think his name is Dorsey—said to me, 'You had better go home, as you will die here, and you are too old to be of any use here.' Mr. Stillner drove me to Pittsburgh. I then went home.'

On January 27, 1865, Surgeon Edwin Bentley, United States Volunteers, in charge United States general hospitals at Alexandria, Va., reported to the provost-marshal-general, defenses south of the Potomac, that he had carefully examined this soldier and "find that he has chronic inflammation of the liver not contracted in line of duty; he has seen no field service and is morally unfit for duty in Veteran Reserve Corps;" and he therefore forwards surgeon's certificate of disability for his (Quimby's) discharge.

There are no original papers on file in this office which were submitted with a view to obtaining a removal of the charge of desertion against this soldier, but an application for that purpose was returned to the applicant on May 10, 1887, by indorsement, in which was embodied the decision of this office that as he did not return to the service voluntarily, and as the charge did not appear to have been erroneously made, his case was not embraced within the provisions of any law authorizing the removal of charges of desertion.

I am, sir, very respectfully, your obedient servant,

J. C. KELTON,
*Assistant Adjutant-General.*

The SECRETARY OF WAR.

Memory is treacherous. The statements in this petition and statements made by the petitioner whilst a prisoner at Alexandria, Va., and *other facts* stated by the petitioner, clearly demonstrate the treacher-

ousness of memory. The record in this case clearly shows that the petitioner performed no military service, received a bounty of $425, and was sixty years old at the time of his enlistment, of which fact he must have been aware, and the bounty seems to have been the principal inducement, and, according to his own statements made whilst a prisoner, he went home to Springfield, Erie County, Pa., without permission, put on citizen's clothes, and remained there till January 13, 1865, when he was arrested by a detective.

With this record staring him in the face your committee are at a loss to see how this petitioner could ask Congress to remove the charge of desertion and place him upon full equality with all other honorably discharged soldiers of the late war.

Your committee report the petition back to the Senate adversely, and recommend that the claim of the petitioner for an honorable discharge be denied, and that your committee be discharged from further consideration thereof.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 730.

# IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, submitted the following

## REPORT:

[To accompany bill S. 2405.]

*The Committee on Post-Offices and Post-Roads, to which was referred a bill for the reduction of postage on seeds, cuttings, bulbs, roots, and cions, have examined the same, and respectfully report:*

For the purpose of making better postal arrangements between the United States and the Dominion of Canada, the Postmaster-General of the United States has recently entered into a postal treaty with those in authority in Canada, by which all mailable matter mailed in the United States is carried through Canada to its destination by the Canadian government free of charge, and all mailable matter mailed in Canada for any point in the United States is carried to its destination by the United States Government free of charge.

In the Dominion of Canada the postage charged on seeds, bulbs, cuttings, roots, and cions is 1 cent for each 4 ounces; in the United States postage on same is 1 cent per ounce. It will be readily seen that under the recent arrangement or treaty made for conveying the mail by and between the United States and the Dominion of Canada it is now possible for the seedsmen of Canada to send their seeds to customers in the United States at a postage of 4 cents a pound, while American seedsmen are obliged to pay a postage of 16 cents a pound for the same privilege. We feel that this nation should be first in postal facilities afforded to its producers from its soil, and that an American farmer should have as cheap postage upon seeds mailed in the United States as is given to the farmers and seedsmen of the Dominion of Canada.

It may perhaps be claimed that the tariff affords some relief to the seedsmen of the United States, but it is known that plants, shrubs, cions, and cuttings come in free of duty, while the duty on cereals varies from one-fifth to one-half cent per pound, and all kinds of garden seeds and bulbs have a duty of 20 per cent. ad valorem, which would probably average about 4 cents per pound.

We feel that American seedsmen should be placed on equality with their Canadian competitors and that this equality should not be determined by any nice computation of a protection given them by a tariff duty which is at any time liable to be repealed; but that it should be guarantied by a rate per pound as cheap as the cheapest, and that Congress should permit the impost duty to stand, as it was intended, as a protection to American industry.

The bill is therefore reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 731.

IN THE SENATE OF THE UNITED STATES.

MARCH 22, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

# REPORT:

[To accompany Senate resolution.]

*The Committee on Printing, to whom was referred the resolution to print 6,000 copies of the report of select committee to inquire into the methods of doing business in the Executive Departments, having considered the same, report as follows:*

The cost of printing 6,000 extra copies and binding the same in cloth will cost $7,887.35.

The committee submits herewith a concurrent resolution which provides for the printing proposed in the above resolution, and recommends that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 732.

# IN THE SENATE OF THE UNITED STATES.

MARCH 26, 1888.—Ordered to be printed.

Mr. HARRIS, from the Committee on Epidemic Diseases, submitted the following

## REPORT:

[To accompany bill S. 2493.]

The Committee on Epidemic Diseases has had under consideration several bills, resolutions, and memorials, as follows:

Senate bill 665, "To establish a quarantine station at the port of San Francisco;"

Senate bill 1641, "To establish a permanent quarantine station at or near Cape Charles, Virginia;"

Resolutions of the legislature of the State of Virginia in the nature of a memorial, asking the establishment of a quarantine station at Cape Charles;

Resolutions of the Board of Trade of Chester, Pa.;

Petition of the Board of Health of Rockford, Ill.;

Resolutions of the Board of Health of Charleston, S. C.;

Petition of the Medical Society of San Diego, Cal.; and

Resolutions of the American Public Health Association;

All urging the establishment of national quarantine at the points of danger upon the Gulf and sea-coast.

The committee reports an original bill, providing for the establishment of seven quarantine stations upon the coast, in addition to the one already provided for at the mouth of the Mississippi River by special act of the present session. The two bills above referred to are therefore reported back with the recommendation that they be indefinitely postponed.

The Public Health Association of America, at its annual meeting in November, 1887, by resolutions, earnestly urge the establishment, thorough equipment, and maintenance of a system of coast quarantine.

Many other sanitary organizations have earnestly urged the same policy, and so far as the committee is advised every sanitary organization in the country appreciates its importance and earnestly recommends its adoption.

These bills, resolutions, and memorials were referred by the committee to the Surgeon-General of the Marine Hospital Service, for such suggestions as in his opinion the subject merits, and the following communication was addressed to the committee by that officer:

The time has come when the judgment of sanitarians has passed beyond the realm of speculation in the matter of quarantine. That word no longer means the detention on board of a vessel for a period of "forty days" of the ill-fated passengers and crew of a suspected vessel. It means the speedy removal of the sick to a comfortable hospital, the disinfection and cleansing of the vessel, and her restoration to the commer-

cial fleet at the earliest possible date, the lightering and removal of the cargo and the cleansing of the bilge. Clean ships are not *per se* carriers of infection, foul ones are; and the time will doubtless come when enlightened sanitary legislation will enact a penalty for maintaining a foul vessel as a pestilence breeder, and when the time shall come when we shall have only clean ships sailing from clean ports, then our quarantine stations may be made inspection stations only, but for many years to come it will be necessary to rigidly enforce quarantine-measures as now practiced and outlined above.

Those most interested being agreed that the maintenance of the sea-board quarantines is of the first necessity, it therefore follows that those establishments should be well built and kept supplied with the latest and most improved sanitary appliances for the work. To that end the accompanying bill has been framed, and attached to this report are detailed reasons for the establishment of each quarantine named in the bill, together with an estimate of the cost of the same. Included in the estimate is the amount considered necessary for the maintenance of the stations for the first year. Moreover, the season is now rapidly approaching when epidemic diseases will again increase, and what is done to be of avail this year should be done quickly.

*Estimated cost and annual expense of national quarantine stations on the Atlantic, Gulf, and Pacific Coasts, recommended to be established and properly equipped.*

The stations starred are in temporary use by the Government, but are not properly equipped, the expenses thereof being borne out of the contingent fund at the disposal of the President for the prevention of the spread of epidemic diseases, and the maintenance of quarantine at points of danger.

### *DELAWARE BREAKWATER.

(Site owned by the Government.)

| | |
|---|---|
| Disinfecting machinery | $20,000 |
| Steam-tug | 30,000 |
| Warehouse and additional buildings | 10,000 |
| Annual expenses | 10,000 |
| Total | 70,000 |

There is at present at this station a small hospital and boat-house, which will answer for the present. This quarantine station is necessary for the quarantine service of the populous States bordering on the Delaware River.

Pennsylvania, Delaware, and New Jersey are each interested in its maintenance. The Lazaretto, just below Philadelphia, is not located at a safe distance from the shore, nor is it possible in the Delaware River to find a site for a quarantine station free from objection. The Philadelphia Board of Health and the State boards of health of Pennsylvania and New Jersey and the Delaware health authorities have recommended and urged the proper equipment of this station. There is an iron pier inside the breakwater owned by the Government that could be utilized when required. A steam-tug is necessary, not only for boarding purposes, but for the removal of the sick and for the maintenance of a patrol to prevent communication between vessels in quarantine and vessels at anchor. This breakwater is a port of call, where vessels from foreign ports lie to await orders to destination.

The "disinfecting machine" estimated for this and other quarantines is a machine on a tug-boat as is now used by the Louisiana Board of Health. It is believed by most sanitary authorities to be the best in the world. Its use admits of the most speedy disinfection and restoration of the vessel to the commercial fleet. Drying chambers for ships' bedding, sailors' luggage, etc., can be provided for when the warehouses are built.

### *CAPE CHARLES, VIRGINIA.

| | |
|---|---|
| Purchase of site | $5,000 |
| Construction of wharf | 3,000 |
| Hospital buildings and officers' quarters | 37,000 |
| Floating disinfecting machinery | 25,000 |
| Steam-tug | 30,000 |
| Annual expenses | 12,000 |
| Total | 112,000 |

This station is necessary for the quarantine service of the District of Columbia, Virginia, and Maryland. In the latter State there is a small, poorly equipped station at Hawkins' Point, on the Patapsco, 7 miles below Baltimore, but no protection is

afforded the eastern shore of Maryland, nor the point between the bay and the Potomac. All points on the Potomac, Rappahannock, and James Rivers are now without quarantine facilities other than the present temporary station at the Capes. Fisherman's Island, which has been offered to the Government for $5,000, has been chosen as the best site for the quarantine. The character of the shifting sands and difficult foundation makes it necessary to ask for more money for buildings than at some other places. Like the Breakwater, Hampton Roads is also a place of call.

*SAPELO, SOUTH ATLANTIC STATION.

(Site owned by the Government.)

| | |
|---|---|
| Disinfecting machinery | $20,000 |
| Warehouse and wharf | 10,000 |
| Small boats | 500 |
| Annual expenses | 8,000 |
| Total | 38,500 |

This station is intended as a refuge station for the South Carolina, Georgia, and Florida coasts. The business of first boarding is done by the local health inspectors at Charleston, Savannah, Brunswick, Fernandina, and other ports interested, and when a vessel is to be quarantined she is ordered to Sapelo Station for that purpose. No steam-tug is deemed necessary at this station. The island (Blackbeard) on which the quarantine is located is owned by the Government. The estimated annual expenses are less than either the Breakwater or Cape Charles Stations because the business will be less and no steam-boat will be required. The boards of health on the South Atlantic now use this station as above indicated, although imperfectly equipped, and all attempts to suspend it have been met by repeated protests.

*GULF QUARANTINE (FORMERLY SHIP ISLAND).

| | |
|---|---|
| Appropriation for hospital and appliances already made, and site provided for by special act | $45,000 |
| Annual running expenses to be appropriated | 15,000 |
| Total | 60,000 |

This station is the refuge station for the entire Gulf coast west of Pensacola. A board has been detailed to select the site under the recent act of Congress directing the removal of the station, and the general expenses are provided for under that act. Government land will doubtless be chosen for the site.

NEAR KEY WEST, FLA.

| | |
|---|---|
| Disinfecting machinery | $20 000 |
| Purchase of site (contingent) | 5,000 |
| Warehouse and wharf | 10,000 |
| Small boats | 500 |
| Annual expenses | 10,000 |
| Steam-tug | 30,000 |
| Hospital buildings and officers' quarters | 12,500 |
| Total | 88,000 |

This station is required on account of the rapidly growing commerce with Cuba, the West Indies, and the Central American ports, nearly all of which are more or less constantly afflicted with yellow fever. The recent disastrous epidemic of yellow fever at Tampa and Key West is an evidence of what may be expected if prompt measures are not at once taken to establish a quarantine station at this point. The Mississippi Delta Station is too far away to properly serve the west coast of Florida, and when it is remembered that at present a person in the incubative stage of yellow fever may pass from Havana to any of the interior cities, the necessity for a careful inspection at this outpost during the dangerous season is apparent. The estimate for the site is made contingent, because inquiry may show that there are already sites owned by the Government. A steam-tug is necessary here for boarding purposes, and to carry supplies to the key that may be selected for the station.

SAN DIEGO, CAL.

| | |
|---|---|
| Purchase of site | $5,000 |
| Disinfecting machinery | 20,000 |
| Warehouse and wharf | 10,000 |
| Small boats | 500 |
| Annual expenses | 10,000 |
| Hospital buildings and officers' quarters | 10,000 |
| Total | 55,500 |

This station is necessary on account of the steadily increasing commerce with the Mexican, South American, and Central American coasts. Great alarm has been felt recently on account of the severe and wide-spread epidemic of cholera now existing in Chili, which disease has shown its usually high mortality. During the yellow fever epidemic, which prevailed recently on the Mexican coast, this port was repeatedly threatened, and the danger is likely to increase rather than diminish. The harbor, the only natural one belonging to the United States south of San Francisco, is the first American port of refuge for American vessels in South Pacific waters, and on this account receives a proportionately large shipping, and since the establishment of interior railway connections the shipping at this port has largely increased.

SAN FRANCISCO, CAL.

(Site owned by the Government.)

| | |
|---|---|
| Disinfecting machinery | $20,000 |
| Warehouse and wharf | 10,000 |
| Steam-tug | 30,000 |
| Small boats | 1,000 |
| Hospital buildings and officers' quarters | 24,000 |
| Annual expenses | 18,000 |
| Total | 103,000 |

The necessity of this station has long been recognized, and has been frequently recommended by the Department, and a special report on this station has recently been made to the committee. A site was selected by a board consisting of one medical officer each from the Army, Navy, and Marine-Hospital Service. The board considered a certain portion of Angel Island, now owned by the Government, to be the most suitable place for its establishment. Owing to the great amount of work required to be done the annual expenses will be greater than at most of the other quarantines. There is no local quarantine, and a vessel must lie in the harbor with the sick on board. The local authorities are unanimous in urging the establishment of this station.

PORT TOWNSEND, WASHINGTON TERRITORY.

| | |
|---|---|
| Purchase of site | $5,000 |
| Disinfecting machinery | 20,000 |
| Warehouse and wharf | 10,000 |
| Small boats | 500 |
| Annual expenses | 10,000 |
| Hospital buildings and officers' quarters | 10,000 |
| Total | 55,500 |

This station is necessary on account of its great distance from San Francisco, and the fact of its being the entrepôt to the populous Puget Sound country and the already great and increasing commerce. With the development of Alaska, and the increasing business of the North Pacific Railway, the necessity for the establishment of this station will increase each year.

From this statement it appears that Dr. Hamilton recommends the erection and thorough equipment of seven quarantine stations in addition to the one already provided for at the mouth of the Mississippi River, as follows:

Delaware Breakwater; Cape Charles, Va.; Sapelo Sound; Key West, Fla.; San Diego, Cal.; San Francisco, Cal., and Port Townsend, Oregon.

The estimated aggregate cost of construction and equipment of these quarantine stations, including the one at the mouth of the Mississippi River, is $489,500, and the estimated aggregate annual cost of maintaining them is $93,000.

Believing, as the committee does, that it is the duty of Congress to so regulate commerce as to prevent the introduction of contagion from foreign countries into the United States, the accompanying bill is reported, with the recommendation that it pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 733.

# IN THE SENATE OF THE UNITED STATES.

MARCH 26, 1888.—Ordered to be printed.

Mr. PLATT, from the Committee on Territories, submitted the following

# REPORT:

[To accompany bill S. 2512.]

*The Committee on Territories, to whom was referred Senate bill 1619, to provide for the formation and admission into the Union of the State of Montana, having considered the same, respectfully report:*

The welfare of the United States clearly requires the change of Territories to States at the earliest period when the population and resources and prospects of a Territory are such as to insure a well-ordered, stable government by the people. A Territorial condition is only permissible under our system while the new Territory is weak and sparsely inhabited, during which period it needs the sustaining and protecting power of the General Government. To keep a people in such Territorial condition beyond that period is unjust to the people and unworthy of the Government. States add to the dignity, the power, and honor of the Republic. Our system is a union of States, and the Territorial pupilage is only a stage of training necessary to precede the responsibilities of statehood, and to be dispensed with whenever the people of the Territory are fit to assume such responsibilities.

In the case of Montana the only question seems to be one of sufficient population. From statistics furnished by the United States surveyor-general for Montana it is found that the Territory contains:

| | |
|---|---|
| Total area of Montana, in square miles | 143,776 |
| Total area of Montana in acres | 92,016,000 |
| Number of acres, exclusive of Indian and military reservations | 61,442,000 |
| Number of acres surveyed to December, 1883 | 16,000,000 |
| Number of acres in land grant to Northern Pacific Railroad | 20,500,000 |
| Number of acres Northern Pacific lands surveyed to December, 1883 | 5,700,000 |

The total valuation of property assessed for taxation increased from $24,040,806.60 in 1881 to $49,746,268.91 in 1884, and $52,874,536.40 in 1885, and $55,076,871.53 in 1886, as shown by the following table:

| | |
|---|---|
| Beaverhead County | $2,756,496.00 |
| Choteau County | 3,584.682.00 |
| Custer County | 4,804,104.12 |
| Dawson County | 1,628,734.15 |
| Deer Lodge County | 4,358,100.00 |
| Gallatin County | 5,694,684.00 |
| Jefferson County | 2,354,363,00 |
| Lewis and Clarke County | 9,088,775.50 |
| Madison County | 2,873,901.00 |
| Meagher County | 5,687,255.00 |

| | |
|---|---|
| Missoula County | $2,340,380.26 |
| Silver Bow County | 7,604,600.00 |
| Yellowstone County | 2,295,697.00 |
| Total for 1886 | 55,076,871.53 |
| Total for 1885 | 52,847,536.40 |
| Increase | 3,339,749.60 |

The report of the governor made June 30, 1887, gives the assessed value of taxable property for the year at $60,200,000, a further increase during the year of over $5,000,000. This does not include the mining interests which are exempt from taxation, nor the more than 2,000 miles of railroad now in successful operation. If these interests were assessed, it is safe to say that $100,000,000 would not be too large a figure for the assessable value of its property.

Its chief industries are mining and stock raising. During the last year it produced $26,000,000 gold and silver, copper and lead.

The governor reports the number of domestic animals as follows: Cattle, 1,400,000; horses, 190,000; sheep, 2,000,000.

In 1885 there were 28 banking houses and 31 newspapers, which have since largely increased. The statistics of the number of schools is not at hand, but the amount of school money raised by direct taxation during the last year was $223,871, and from fines in various courts $6,466, making for public schools $230,337. The Territory has no debt and a surplus in its treasury of $25,000. The recent developments in agriculture are very promising. The most profitable agriculture is carried on by irrigation, but the increased rain-fall, which seems to result from the development and settlement of the Territory, promises a large increase in the area of land adapted to cultivation without irrigation.

No census has been taken since 1880, when its total population was but 39,159, but the last seven years have been years of rapid development and increase. The total vote cast for Delegate in Congress in November, 1886, was 32,262, an increase since the previous election of 5,293. The increase during the year 1887 is said to have been more rapid than during the former period. Adding a year's increase to the voting population, at the ratio of increase from 1884 to 1886, and there would be a voting population in November, 1887, of 34,908, giving a population, upon a ratio of 1 voter to 4½ inhabitants, of 156,086. It is safe to say that the present population of the Territory equals the present unit of representation, and that before the necessary steps can be taken to form a State government it will be considerably in excess of the same. The ability of the Territory to support a large population is conceded, and its resources and present agencies of development are such as prevent the possibility of retrogression.

In view of the facts presented, the committee is of opinion that the time has fully come for the admission of the people of Montana into the Union as a State.

The bill referred to the committee seeming to need amendment in several particulars, an original bill is herewith reported as a substitute, with the recommendation that it pass and that the bill referred to the committee be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 734.

IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2080.]

*The Committee on Pensions, to whom was referred the bill (S. 2080) for the relief of Mrs. Margaret Longshaw, dependent mother of William Longshaw, late assistant surgeon United States Navy, have examined the same and report:*

The claimant under this bill is described as the "dependent mother of William Longshaw, late assistant surgeon, United States Navy." The service of Surgeon Longshaw was signalized by exceptional courage and devotion to duty, and his death occurred under circumstances which marked it in the highest degree unselfish and heroic. It is an honor to any woman to have been the mother of such a son; and if pensions were awarded on the basis of the merit of the children contributed to the service, your committee would have a pleasant duty to perform in this case. But under the restrictions of the law, the case is simply one of dependence; and in that view the bill must be reported unfavorably, and for the following reasons:

(1) At the death of the son, in 1865, the father was owner of the house in which his family lived, assessed at $3,000, and carrying on a drug business, the stock of which was assessed at $500.

(2) The year after the son's death, in 1866, the area of the homestead was more than doubled, and its assessed value increased $1,000. In the year following the assessed value of the father's property was increased to $5,000. For the next eight years the assessment ranges from over $6,000 to $7,600, with cash assets increased to $1,600 most of the time.

(3) In 1877 the father of Surgeon Longshaw and husband of claimant died, leaving to the claimant by his will the use, income, and improvement of all his estate, both real and personal, as long as she should remain his widow. The appraisal of such estate, made upon the orders of the judge of probate, and reported to the court under oath, was—real estate, $3,000; personal, $6,675; total, $9,675.

(4) Since the death of her husband, the claimant has come into the possession of a bequest netting her, according to her estimate, about $7,000.

The logic of these facts is not changed by the circumstance that the deceased son contributed to his mother and the family a part of his pay and other funds during service. It fails to make the case one of dependence under the law; and the committee are obliged to recommend that the bill be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 735.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1992.]

*The Committee on Pensions, to whom was referred a bill (S. 1992) granting a pension to Otto Ahrens, have examined the same, and report:*

Otto Ahrens enlisted in Company A, Twenty-seventh Connecticut Volunteers, September 8, 1862; was discharged January 2, 1863; filed application for pension July 7, 1879, alleging injury to left hip and sciatic nerve incurred in the service, and consequent rheumatism and epilepsy, which application was rejected January 20, 1885, on the ground that evidence failed to show that injuries or disability were received in, or in any manner due to, the service.

The record in the case is quite voluminous, and a faithful examination of the evidence satisfies the committee that claimant was discharged from service for disability, which was temporary, and that shortly after his discharge he was working regularly at his trade, a transcript from a time-book of as late a year as 1880 showing that he made full time from January 1 to November 20, and in some weeks overtime.

The claim is without merit. The committee recommend that the bill be indefinitely postponed.

O

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bills S. 2156 and 2296.]

*The Committee on Pensions, to whom was referred the bills (S. 2156 and 2296) granting a pension to Mrs. Josephine Amsden, have examined the same, and report:*

The bills under consideration, which are identical in form, provide for placing on the pension roll the name of Mrs. Josephine Amsden, formerly Mrs. Josephine Slocum, widow of Martin N. Slocum, late a second lieutenant in the Sixty-fifth Regiment United States Colored Infantry. Lieutenant Slocum was assassinated in a restaurant in New Orleans, in 1365, and Mrs. Amsden, while the widow of this officer, was in receipt of a pension of $15 a month under a private act approved February 25, 1867, and which related back to the date of her husband's death.

On the 3d March, 1867, one week after the passage of the act for her relief, she remarried, and the pension theretofore accruing to her was continued to her two children by special act approved March 3, 1869. In her petition for the passage of the present bill she states:

> Before I drew the money (granted by the act of 1867) circumstances compelled me to marry, not being able to support myself and two children. I married a soldier who had been discharged for disability contracted in the service. He left home in March, 1882, and went to Montana, and I not hearing from him only when he first went away, and I had a little property to sell, I got a divorce from him so I could give a title to the property. After I got the divorce I found out where he was; it was about eight months after. His health was poor, he wasn't able to send me any money, and I had two children, the issue of our marriage—a boy, born in 1871, and a girl, born in 1876. I have struggled hard to maintain my children; I am getting old. I and the little girl are depending on the boy for our living principally. My last husband was drowned in Montana, August 17, 1887. What I want of you is to get me an amendment to the old bill, or to give me a pension, or tell me how I am entitled to a pension.

It is from no lack of sympathy, and certainly in no spirit of ridicule, that the committee make the above extract from the petition which is presented in support of the bill, but to show the loose ideas which are prevalent in respect of the purpose and province of pension legislation.

This case is not an isolated one. During the present session several bills and petitions have been presented on behalf of women who, originally pensioned on valid grounds as widows of invalid soldiers, have remarried, and on the death of the second husband have sought, as in the present case, to be re-instated in their voluntarily forfeited pensionary rights as widow of the first. It need not be stated that favorable action in such cases would bring legislation into disrepute, degrade what is now the noblest of charities, and make the Government a common insurer against the risks of second ventures in matrimony.

The committee recommend that both bills be indefinitely postponed.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 737.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1695.]

*The Committee on Pensions, to whom was referred a bill (S. 1695) granting a pension to Elizabeth W. Adair, have examined the same, and report:*

The beneficiary of the bill under consideration is widow of Capt. William P. Adair, late of Company F, Forty-seventh Missouri Infantry, who, it is alleged, contracted piles in the service in 1864–'65, and who died from the same disease in 1881. The officer was a physician, and it is stated that he treated himself for his disabilities, both in the service and after, refusing even in his last illness to receive outside medical aid.

The result of this eccentricity is that there is no existing tangible proof of the character of his ailments, of their incurrence in service, or of the identity of the alleged Army disease with that of which he died. The only facts distinctly proven are his marriage, his service, and his death. These are insufficient to establish a pensionary right, and the bill must be reported adversely, with the recommendation that it be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 738.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1979.]

*The Committee on Pensions, to whom was referred the bill (S. 1979) granting a pension to Elizabeth Dolan, have examined the same, and report:*

Thomas F. Dolan, husband of Elizabeth Dolan, enlisted as private of Company E, Seventh Regiment Maine Volunteers December 27, 1861, and after a variety of military experience was finally mustered out as second lieutenant of Company B, Eighth United States Veteran Volunteers, July 28, 1866. He died December 28, 1886, of disease of the bladder. After his death his widow made application for pension, alleging that he was ruptured in service and contracted therein the disease of which he died.

In the prosecution of this case before the Pension Office the claim on account of hernia was abandoned, and it was developed that no proof could be adduced of injury in service which caused stricture of the bladder, but that it was, by his own confession and in medical judgment, the result of gonorrhea. It is against the theory of his disability having been incurred in the service that when examined for admission to the regular Army in 1867, as second lieutenant of the Sixth Infantry, and rejected on account of hernia, he did not then, or ever afterwards, make claim for pension.

The evidence is against the claim. The committee report adversely and recommend the indefinite postponement of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 739.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 980.]

*The Committee on Pensions, to whom was referred a bill (S. 980) granting an increase of pension to Horace M. Cook, have examined the same, and report:*

Horace M. Cook, late corporal Company A, One hundred and forty-fifth Pennsylvania Volunteers, is a pensioner at $30 per month, on account of the loss of his left hand by amputation of arm below elbow. He petitions Congress for an increase of pension to $36. The pension he now receives is all the law allows for the loss of hand. He alleges that the condition of the arm is such as to amount to total disability, which entitles him to the increase for which he petitions; and he states that he can furnish medical testimony to sustain such a claim.

The place to present such testimony is at the Pension Office, which, upon proper application and demand, that Bureau is bound to assist in procuring, and to receive and act upon. Congress is not a medical board of original jurisdiction; it seeks only to relieve where the inflexibility of the law, the rules adopted for its enforcement, or manifest error, have worked injustice to the pensioner or claimant for pension.

The committee, without in any sense reflecting upon the justice of the claim in this case, are compelled to report adversely upon the petition, and recommend the indefinite postponement of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 740.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 2806.]

The Committee on Pensions, to whom was referred the bill (H. R. No. 2806) granting an increase of pension to James Woody, have carefully examined the papers in the case and find the facts fairly set forth in the report (No. 196) of the Committee on Pensions of the House of Representatives to the first session of the Fiftieth Congress.

They are as follows:

The Committee on Pensions, to whom was referred House bill 2806, to increase the pension of James Woody, of Oregon, beg leave to report that we have had said bill under consideration and find that the same matter was favorably reported by the Committee on Pensions at the Forty-ninth Congress, and this report then made to the House we adopt as our report at this time, and report said bill with the following favorable report and recommend the passage of the bill:

[House Report No. 4095, Forty-ninth Congress, first session.]

This is one of the very few remaining survivors of the war of 1812. He was in actual service through said war and served in the Forty-third Regiment, Regular Army. He is receiving a pension of $8 per month, as per certificate 16901. He asks for an increase. It is shown that he was born in the last century—December 24, 1794—and is now over ninety-three years of age. He served through the various Indian wars of Oregon. His two sons served as soldiers through the entire war with Mexico. He is now so feeble as to require the constant attention of a nurse.

In his affidavit he says:

"I can neither dress nor undress myself. My eye-sight is rapidly failing; I can scarcely see to get about the house, and have trouble in recognizing my friends."

He now has a severe cough, which often prostrates him for days, and has the constant attention of a physician. He is now in poverty.

He says:

"I was a man of good property, but it has gone toward my support during the past fifteen years. My wife and I live entirely on the $8 pension I receive from the Government and what little assistance we receive from a few friends."

His physician's services are gratuitous, as he has nothing with which to pay. His wife is seventy-two years of age and in very feeble health, and not able to attend on him and the household duties both. His physician corroborates this, and says under oath that he now suffers from Bright's disease of kidneys and pulmonary disease of long standing. His relative (one son) is too poor to render him aid.

He says in his own affidavit, signed in a trembling hand:

"If something is not done very soon to relieve me, my wife and I will both be thrown upon the charity of the county."

These facts are corroborated, and in addition the judge of the county makes affidavit that application is now made to him to receive these two old people into the county poor-house, that they are in great need of the common necessaries of life, and objects of Christian charity. He knows them to be honorable, honest, upright old people.

With these facts before us, we think $40 per month a very small allowance for this old veteran the few months he may yet live, and in view of the necessity for an attendant, for a physician, medicines, clothing, food, house-rent, saying nothing of his aged companion, herself too helpless to nurse him and too poor to furnish the necessaries of life for herself.

We therefore recommend the passage of the bill with the following amendments: Strike out the seventh, eighth, ninth, and tenth lines, and insert "to thirty dollars per month in lieu of that he is now receiving."

The committee adopt the said report, and recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 741.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 421.]

The Committee on Pensions, to whom was referred the bill (H. R. 421) granting a pension to Rufus Squire, have examined the papers in the case and find the facts fairly set forth in the report (No. 287) of the Committee on Pensions of the House of Representatives to the first session of the Fiftieth Congress.

They are as follows:

Rufus Squire enlisted as a private in the U. S. Marine Corps, July 26, 1847, and was discharged August 29, 1847. He served during period indicated upon the U. S. steamship *Michigan*.

On June 12, 1880, he filed in the Bureau of Pensions a declaration for pension, in which declaration he alleged that during a severe storm upon Lake Michigan, while descending from the main to the berth deck, he slipped and fell, receiving an injury which resulted in hernia of the right side.

The claim was rejected by the Pension Office August 1, 1887, upon the ground that the records of the War Department fail to show incurrence of said hernia in line of duty, and claimant's declared inability to furnish testimony showing origin in service and line of duty.

In an affidavit filed March 22, 1887, the claimant states that during a passage from Chicago to Cheboygan the *Michigan* experienced very rough weather, and that it was necessary to keep the deck around the smoke-stack wet; that he told the officer of the deck to get permission for him, and he would go up there and keep the deck wet; that permission was got for him, and he kept the deck wet until the ship got into Cheboygan, where, when the deck was cooled, he went down to the main deck, and going from there to the berth deck he fell by his feet slipping and injured himself in the right side, which proved to be the rupture on which he claims pension.

The applicant furnishes no proof other than his own statement showing the origin of alleged rupture. The affidavits of Dr. Carlos Glazin, Samuel James, and Mary Howland, a sister of applicant, show satisfactorily that prior to enlistment the applicant was physically a sound man and that he was free from hernia, and also that upon his return to his former home, following his discharge from the Marine Corps, he was suffering from hernia of the right side.

The quarter reports of steam-ship *Michigan* for third quarter, 1847, show that one case of inguinal hernia was treated, but do not give the name of patient. The applicant alleges that he received alleged rupture about August 1, 1847. Dr. Carlos Glazin states that he treated the applicant for scrotal hernia of right side in the year 1847.

The board of pension examining surgeons of Detroit, Mich., made an examination of applicant June 15, 1887, and found an indirect inguinal hernia of right side, and recommended a specific rating for hernia.

The only question is, for the purposes of this bill, can origin of hernia in service and line of duty be accepted upon the evidence in the case, in the absence of direct proof of same? Your committee is of the opinion that, in view of all the facts shown in the case, it may be so accepted, and therefore recommend the passage of the bill.

Your committee feel constrained to differ from the conclusions reached by the Committee on *Pensions of the House* of Representatives, being

of the opinion that the evidence does not justify Congress in reversing the action of the Pension Bureau, for the following reasons:

(1) The alleged disability occurred in 1847, and no claim was made for a pension until June 12, 1880.

(2) There is no evidence, except the statement of the claimant, to show incurrence of said hernia in the line of duty.

(3) The question asked at the close of the House report, to wit: "Can origin of hernia in the service and in the line of duty be accepted on the evidence in this case in the absence of direct proof of the same?" your committee feel compelled to answer in the negative, and report the bill unfavorably and recommend its indefinite postponement.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 742.

IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1739.]

*The Committee on Pensions, to whom was referred the bill (S. 1739) granting an increase of pension to Ephraim Owings, have carefully examined the same, and report:*

This is a bill to increase the pension of Ephraim Owings. An examination of the papers shows that the claimant filed his petition on the 10th of August, 1887, in the Pension Bureau, asking an increase "by reason of chronic diarrhea, which totally disables him from doing any manual labor whatever."

This claim, as stated in the letter of the Commissioner of Pensions, dated February 29, 1888, is now pending and undetermined in that Bureau.

There is no evidence filed subsequently to the date of his application for an increase, and no medical examination has been made of the claimant since the 6th of June, 1883.

It has been the uniform rule of the committee, in acting upon similar claims, not to consider either original claims or application for an increase before final action by the Pension Bureau. As this case comes clearly within this rule, and for the purpose of facilitating action upon the petition of the claimant by the Pension Bureau, Senate bill 1739 is reported adversely, with the recommendation that it be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 743.

IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1655.]

*The Committee on Pensions, to whom was referred the bill (S. 1655) granting a pension to Leah E. Lady, have carefully examined the papers in the case, and report:*

The husband of the petitioner, Hiram Lady, was a private in Company K, First Regiment Pennsylvania Reserves, and was pensioned at the rate of $4 per month from the 6th of January, 1866, and increased to $6 per month from May 7, 1873, on account of wound received in the left hand at Charles City Cross Roads January 30, 1862, while in the line of duty.

His widow, Leah E. Lady, now asks Congress, by Senate bill 1655, to put her on the pension rolls, her petition alleging the death of her husband on November 26, 1879. The letter of the Commissioner of Pensions, dated February 27, 1888, to the chairman of the Committee on Pensions, forwarding to him the papers in this case, implies that he was at that date still drawing a pension of $6 per month.

Under any view that your committee can take from the facts as they appear in the record, the petitioner has not made out a proper case for relief by Congress; it being the uniform rule of the committee not to consider any case coming clearly within the provisions of the general law before the Pension Bureau has acted. In this case no application seems to have been made to the Pension Bureau.

The bill is therefore reported unfavorably, with the recommendation that it be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 744.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 757.]

*The Committee on Pensions, to whom was referred the bill (S. 757) granting a pension to Francis M. Higgason, have carefully examined the same, and report:*

The petitioner was pensioned September 7, 1863, to date from November 17, 1862, at $8 per month for loss of left hand; June 6, 1866, increased to $15 per month; June 4, 1872, increased to $18 per month; March 3, 1883, increased to $24 per month.

The evidence shows that the soldier was shot through the wrist, and that his arm had to be amputated just above the wrist. The board that examined him for an increase November 11, 1885, rated him at six-eighths total disability. The physicians, whose testimony is on file, taken in the summer of 1886, testify that he is unable to perform any manual labor by reason of his wounds.

The evidence in the papers submitted to the committee would not justify an increase of the rate allowed under the act of March 3, 1883, which provides:

> All persons * * * who shall have lost a hand, or a foot, or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or a foot, shall receive a pension of $24 per month.

The petitioner in this case, by the testimony, clearly brought himself within the provisions of this law, and under that evidence he was granted a pension of $24 per month. Your committee can not see any reason why, for a similar disability to that which afflicts so many of his comrades, his rating should be increased.

Senate bill 757 is, therefore, reported unfavorably, with the recommendation that it be indefinitely postponed.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 745.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 2519.]

The Committee on Military Affairs, to whom were referred letters from General Benét, Acting Secretary of War, and General Greely, Chief Signal Officer, have considered the same, and in accordance with the recommendations of these officers they submit a bill, proposed by the Chief Signal Officer, which it is thought will meet the difficulties and guard against the danger to which the service is now subjected.

Your committee beg leave to report this bill to the Senate amended, and they recommend its passage. The letters herewth transmitted show the necessity of this bill.

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WAR DEPARTMENT,
*Washington City, March* 10, 1888.

SIR: I have the honor to transmit to the United States Senate, for the consideration of the Committee on Military Affairs, a copy of a letter of the 8th instant, from the Chief Signal Officer of the Army, and a draft of a bill submitted by him to authorize the absolute transfer to the enlisted men of the Signal Service of all property in their possession and to make them responsible therefor, instead of the disbursing officer of the Signal Service, who is held responsible for many items of property aggregating millions of dollars in value, scattered over the country, and which he has never seen and in all probability never will see.

Section 1167, Revised Statutes, relating to the Ordnance Department, and of which the inclosed draft is almost a verbatim copy, has worked entirely satisfactory. It is a great hardship and a wrong to hold (as is now done in the Signal Office) the disbursing officer personally, officially, and financially responsible for millions of dollars worth of property not in his custody, and over which he can not possibly have control, scattered as it is over the entire country.

This draft of bill meets my approval and is submitted for favorable consideration.

Very respectfully, your obedient servant,

S. V. BENÉT,
*Brig. Gen., Chief of Ordnance, and Acting Secretary of War.*

The PRESIDENT PRO TEMPORE UNITED STATES SENATE.

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SIGNAL OFFICE, WAR DEPARTMENT,
*Washington City, March* 8, 1888.

SIR: I have the honor to say that at the instance of the disbursing officer of this service, request was made on November 20, 1886, to authorize the absolute transfer of all public property, in the possession of enlisted men of the Signal Corps, to said men, making them consequently *responsible therefor, as is* the rule in the Ordnance De-

partment. While the legal authorities of the Government fully realized the hardship and injustice of holding the disbursing officer of this service responsible for the many millions of items of property, aggregating many millions of dollars in value, and scattered from Maine to Florida and from Alaska to Arizona, which said disbursing officer had never seen, nor in all probability would ever see, it was, however, thought that the power to transfer this responsibility could be granted by Congress alone, and that special legislation would be necessary to accomplish it. I therefore submit the accompanying draft (in duplicate) of an act (analogous to section 1167 of the Revised Statutes, which governs in the Ordnance Department), one copy of which I would request may be forwarded to the chairman of the Military Committee of the Senate, and the other copy to the chairman of the Military Committee of the House, with such recommendation or alterations as may bring about the desired result.

I am, very respectfully, your obedient servant,

A. W. GREELY,
*Chief Signal Officer.*

The SECRETARY OF WAR.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 746.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 734.]

*The Committee on Pensions, to whom was referred the bill (S. 734) granting increase of pension to James Hale, examined the same, and report:*

The soldier enlisted August 29, 1864, and was mustered out May 16, 1865. He applied for pension January 13, 1882, on account of disease of lungs, double inguinal hernia, and malarial poisoning.

A certificate was issued August 23, 1886, allowing him $4 a month for disease of lungs. The claim for hernia was rejected for want of sufficient evidence connecting the same with the service.

There is abundant proof of the facts that the soldier was a sound man when he entered the service, that he contracted disease of the lungs while in the service, for which he is receiving but $4 per month, and that very soon after he was mustered out he was afflicted with double hernia.

James B. Greeley, late surgeon of the First Rhode Island Cavalry, swears as follows:

That he has been acquainted with claimant for forty years, and knows that previous to his enlistment he was a sound and healthy man, and he was always a hard-working, robust man, and that after his return home from the service in the summer of 1867 he treated claimant for hernia, and at that time furnished and fitted claimant with a double truss. And further, that he has seen claimant at short intervals during each year since to the present time and knows that he has continually suffered from hernia.

Oliver B. Green swears:

That he has known the claimant twenty-five years, and knows that at the time he returned home from the Army in 1865 claimant was suffering from double inguinal hernia, and constantly suffered from said disability until the summer of 1867, when his hernia was somewhat reduced by Dr. James B. Greeley, with a double truss, and further that said hernia has got to be so bad that claimant is now wholly disqualified for the performance of any manual labor. Affiant further says that he knows these facts of his own personal knowledge and observation and from often having seen claimant's hernia, and has heard him constantly complaining of his hernia, and from having seen claimant two or three times each week from his discharge up to the present time.

James W. Blood swears:

That he has known claimant for thirty years, and knows that at the time of claimant's enlistment he was a sound and rugged man and free from any disease whatever; and that at the time of claimant's discharge and return home from the Army he was suffering with hernia on both sides and has constantly suffered from said disability It has grown much worse *each year until he is at* present wholly disqualified for the

performance of manual labor. And further, that during the time from his discharge to the summer of 1867 he saw claimant frequently and often heard him complain of his hernia, and at different times saw the same; and that in the summer of 1867 Dr. James B. Greeley, of Thornton's Ferry, N. H., reduced the hernia and fitted him with a truss.

Claimant swears:

I first became aware of my hernia while in hospital at Manchester, N. H., before my discharge. No commissioned officer or orderly sergeant of my company was there, nor enlisted men, nor surgeon or assistant surgeon of my regiment, and my hernia could not have been within their knowledge.

The hernia was brought on by coughing, as I understand, and I showed it to Dr. Webster who was in charge of the hospital, and he thought it would not amount to much. I understand he is dead. Dr. Eaton, who attended me the next day after my discharge, is also dead.

Two medical examining boards have rated claimant's disability at $4 for lung disease and $12 for hernia.

In view of all the evidence your committee think this is a just claim, and recommend the passage of the bill with the following amendment: Add at the end of the bill after the word "artillery" the following words, "and pay him at the rate of $16 per month in lieu of that which he is now receiving."

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 747.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1515.]

*The Committee on Pensions, to whom was referred the bill (S. 1515) granting a pension to Helen Plunkett, have examined the same, and report:*

During the last Congress your committee made the following report in this case. They now, after reconsidering the grounds of action, again report back the bill, with the recommendation that it do pass.

### HOUSE REPORT.

The claimant, Helen Plunkett, is the widow of Thomas Plunkett, a member of Company E, Twenty-first Regiment Massachusetts Volunteers. He enlisted July 19, 1861, and served until discharged, March 9, 1864, as stated in the original certificate on file, on account of "amputation of both arms in consequence of gunshot wound received at battle of Fredericksburgh, December 13, 1862, whilst rescuing the colors of his regiment; is unfit for Invalid Corps, and disability total." This order was made by command of Major-General Dix.

He applied to the Department for a pension, which was granted at $8 per month; this was afterwards increased to $25, then to $31.25, then to $50, and finally to $72, from June 17, 1878.

It appears from a report of S. G. Davis, special examiner, made at the direction of the Pension Office, that the pensioner, Thomas Plunkett, died March 10, 1885, aged forty-four years; "disease, or cause of death, chronic inflammation of stomach and bowels."

Sergeant Plunkett, as he was familiarly known, was born in Ireland in 1840, and came to this country in 1845. He was a corporal and then sergeant of Company A, Twenty-first Massachusetts Volunteers. At the battle of Fredericksburgh the regiment was ordered to charge, and passed a terrific fire from the rebel batteries. The color-sergeant was shot. Sergeant Plunkett raised the colors, bore them to the front, raised the staff in the air, when both his arms were struck and torn away by a shell. He bore his calamity for more than twenty years with invincible patience and cheerfulness, and died March 10, 1885.

Hon. George F. Hoar appeared before your committee and made a brief statement, from which we extract the following:

"The bill to which I desire to call your attention is one of granting a pension to Helen Plunkett, the widow of Sergt. Thomas Plunkett, who was, without any dispute, in my opinion, the most famous and the most respesentative Massachusetts soldier of the late war. In making this statement I do not forget the high character and fame of our very great and able general officers whom we contributed to the service like other States. Sergeant Plunkett was an Irishman; a man who enlisted very early in the war, and during its progress performed some very important and brilliant exploits, deeds of personal heroism, which have made him famous. He bore his wounds with unfailing heroism, courage, and patience until the end. It was at one time proposed to give him a commission, and a high one, in the Army, but Governor Andrew said, 'No, let him go down in history as Sergeant Plunkett, as Sergeant Jasper has come down to us in the history of the *Revolution.*' May I be permitted to read a few sen-

tences from an address which I delivered at the two hundredth anniversary of Worcester, Mass , October 14, 1884, just before Sergeant Plunkett's death?

"'We need not go outside of our own local history for proof of the courage and soldierly quality of the Irish race. We need not recount the history of a hundred foreign battle-fields where their valor has given victory to a flag which to them was only the emblem of oppression. We need not revert to our Revolutionary annals to remember Montgomery, or trace the lineage of Andrew Jackson, or name the name of Sheridan, the illustrious soldier at the head of the Army to-day. When the news came of the dishonor of our flag at Sumter, the prompt enlistment of the Emmet Guards, the first organization of foreign blood, one of the very first of any blood, that marched to the war, has been well said to be "a representative fact of the very highest importance to the permanent character of our Government." Who can read, without tears of joy and pride and thanksgiving to Almighty God that He has given such men to his countrymen, the story of the death of O'Neil, that natural gentlemen who said when he was dying, "Write to my dear mother and tell her I die for my country. I wish I had two lives to give. Let the Union flag be wrapped about me and a fold of it laid under my head;" of the devoted and tender McConville, who died at Cold Harbor with the name of his mother on his lips; of him (Sergeant Plunkett) who gave both arms to save the flag of the country he loved, and whose stout and constant heart has never yet regretted the sacrifice.'

"I hope your committee will give in this case all that you can with propriety. It seems to me that if we can pension the widows of general officers and admirals and others of high station, who in some cases have not been remarkably conspicuous among the men of their rank for distinguished military service, that the wisdom and patriotism of this committee can find and will find some mode of bestowing this mark of special honor upon this man whom we recognize in our State—you have your own heroes—as our representative soldier, and the pride in whom of our citizens is increased by the fact that he is a man who represents the patriotism and service of our adopted citizens."

In recommending the passage of this bill the committee desire that it be understood that while there is a diversity of opinion in the body of the committee as to the propriety of a bill of this kind, yet they consent that it shall be reported to the Senate with a full statement of the facts, and placing it upon its own merits, so as to prevent its being a precedent in other cases.

The statement of Senator Hoar shows that Sergeant Plunkett, by reason of his conspicuous gallantry, sacrifice, and suffering for his country, has come to fill in the minds of the soldiers, and, in fact, of the people of the whole of the great Commonwealth where he resided and died, a unique position as the model and ideal representative of the volunteer in the ranks of the armies which saved the Republic.

In the opinion of the committee a sound public policy as well as the irresistible impulses of generous and patriotic natures demand this small tribute to a sentiment honorable to our people, and the exhibition of which upon appropriate occasions will stimulate others to the performance of heroic deeds in times to come.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 748.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1702.]

*The Committee on Pensions, to whom was referred the bill (S. 1702) granting a pension to Joanna W. Turner, have examined the same, and report:*

A similar bill to pension claimant was reported favorably by your committee and passed the Senate during the Forty-ninth Congress.

That report is adopted and the passage of the bill recommended.

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The claimant, Joanna W. Turner, is the widow of William D. Turner, late a surgeon of the Ninety-seventh Illinois Volunteers, and was also a volunteer nurse in the Army of the United States during the late civil war.

The soldier died December 31, 1866, and his widow was pensioned at the rate of $25 from the date of his death. She now asks that this pension which has been allowed her under the general law as such widow be increased, on the ground of her individual services rendered as a volunteer nurse. In support of her claim she presents a statement showing the following facts:

Shortly after the fall of Fort Sumter, in the spring of 1861, when General Prentiss first took command at Cairo, Ill., he sent a request to Mrs. Turner, then in Chicago, to come immediately and bring one or two ladies with her to assist in organizing a hospital at that place. This request was immediately complied with, and Miss Hadley, of Chicago, accompanied her. Her husband was then in Colorado, but on his return immediately volunteered in the Army. Mrs. Turner remained on duty in the hospital in Cairo until required to assist in receiving the wounded from the battle of Belmont, Mo., on board the boats, and at the Brick Hospital at Cairo. Up to this time the Confederates had never been recognized as belligerents, so that prisoners could not be exchanged. They had a considerable number of our sick and wounded in their hands, suffering the most terrible exposure and deprived of common comforts. It being impossible to hold direct official intercourse with them until belligerent rights were conceded, General U. S. Grant requested Mrs. Turner to go with a flag of truce and negotiate for an exchange. She went, with one female companion, on this delicate service to Columbus, but found on her arrival the exchange had been arranged. She returned to duty in the Cairo hospitals until ordered to Fort Henry, Tenn. Her husband was appointed surgeon in charge of the floating hospital *City of Memphis*, and she became his assistant thereon. This was the largest floating hospital in the service, and her position was an important and arduous one, besides being dangerous, as the steamer was fired upon from the river banks, and several persons wounded. This floating hospital was used to transport the sick and wounded from field to general hospitals, and in time of battle the transfers were necessarily rapid, and the care, labor, and attention to the patients unremitting, scarcely time being allowed to snatch necessary food, and almost excluding possibility of sleep.

On the second day after the commencement of the battle of Donelson, Surgeon Turner was ordered from Fort Henry to Donelson, and retained there to forward the wounded. In consequence of this the entire charge of the *City of Memphis* devolved on Mrs. Turner, containing four hundred and seventy-five sick and wounded to be transferred to the general hospital at Paducah. This duty she performed, and pro-

ceeded with the hospital steamers up the Cumberland River to Donelson. She served diligently on this boat until after the battle of Pittsburgh Landing. She and her husband then went to Evansville, Ind., and took charge of hospital No. 5, and he was acting medical director of all the hospitals about three months, during which time Mrs. Turner was in active service in them. Her unremitting service and consequent exposure brought on a fever, and she was compelled to go to Chicago in the fall of 1862 for treatment. Her husband was some time afterward again placed on the *City of Memphis* as surgeon in charge, and she went on and resumed her duties until she was taken severely ill May 13, 1863, and was compelled to leave. She was afterward sent as a delegate from Chicago with the steamer *City of Alton* to the rear of Vicksburg, July 6, 1863, and was engaged in attending the hospitals and organizing the soldiers' home. She left Vicksburg and went to New Orleans with part of the Thirteenth Army Corps; was there engaged in the hospitals, and left there on account of severe illness June 10, 1864. This was so severe as to detain her at Vicksburg; and upon recovering somewhat she returned to Memphis and assisted in the hospitals of her husband's command.

Her health has never been good since her service, having contracted chronic malaria on the Lower Mississippi. Her services cover a period of three and a half years, for which she received no compensation whatever. She distributed thousands of dollars' worth of sanitary goods, and paid out of her own funds at one time $120 for the passage of four artillerymen (who had no means) home to Chicago. On another occasion she accompanied soldiers severely wounded to Chicago, and made many purchases on the rivers in emergencies, where no vouchers could be obtained. After the battle of Pittsburgh Landing her husband gave her his pay for three months—over $360—and it was stolen from her while assisting the wounded. This, with what she expended from her own means in the emergencies and necessities of her service, and in consequent sickness, would amount to as much as $1,000.

Your committee call attention to the following testimonials filed in this case:

General U. S. Grant says:

"Mrs. Turner, whose husband—now deceased—was a volunteer surgeon within my command during the first years of the rebellion, gave her time and services most efficiently in nursing and caring for the sick and wounded soldiers."

General John A. Logan says:

"I know that Mrs. Turner was recognized as hospital nurse on the floating hospitals, under charge of her husband, Colonel Turner, from 1861 up to the time I left Vicksburg, in the fall of 1863. She was of great service, and ought to be paid. I think the amount of pay received by second lieutenant would be small pay in her case."

C. McDougall, late medical director Army of the Tennessee, says:

"Mrs. Joanna Turner, wife of Dr. Turner, in charge of the hospital steamer *City of Memphis*, rendered invaluable services to the sick and wounded while I was medical director Army of the Tennessee, before Corinth; that, while her husband had sole charge of the hospital steamer, its arrangement and beautiful order were due to her; that she was in constant attendance on the sick and wounded on board of the steamer, and accompanied them to their destination, and her services and tender care of the sick and wounded will ever be remembered by them."

James Simons, surgeon, U. S. Army, says:

"I remember well when the steamer was put in commission, and your husband was detailed to take charge of her. Your husband was a young man and I intended placing an officer of higher rank in charge, but upon inspection of the steamer I found her in such admirable order that I concluded to keep your husband in charge. The good order, cleanliness, and fine condition of the steamer was, in my opinion, greatly due to you."

H. Wardner, late brigade surgeon, United States Volunteers, says:

"I recognized in your husband and yourself two of the best workers we had in the floating hospital department during our late sad war. The hospital itself was a model of neatness and comfort."

T. B. Hood, late surgeon U. S. Army Floating Hospital Service, says:

"To my knowledge Mrs. T., by her industry and her intelligent methods of managing, was one of the most efficient and useful of all the women engaged in the care of soldiers during the war."

John H. Brinton, late medical director, Army of the Tennessee, says:

"Your duty was most faithfully discharged, and I always regarded the great efficiency of this hospital steamer to have been owing, in a great degree, to the unceasing care and solicitude with which you, the wife of the surgeon in charge, watched over the interests and well-being of its inmates."

William Grinsted, late surgeon-in-chief Third Division, Twentieth Army Corps, says:

"Mrs. J. W. Turner, to the utmost of her ability as an intelligent and cultivated woman intensely interested in the success of her husband and the Union cause, as-

sisted in caring for the sick and wounded before, during, and after operations, when required, and by her example and directions inspired the female nurses with an ardent desire to properly perform the duties assigned them."

Mrs. M. A. Bickerdyke, a well-known Army nurse, testifies to the valuable and efficient services of Mrs. Turner at the battles of Donelson and Pittsburgh Landing, and elsewhere on the rivers about Vicksburgh.

The decease of her husband leaves Mrs. Turner poor and dependent upon her own exertions for support. She is also much broken down in health, which she attributes to her labor and exposure during the war and the sickness occasioned thereby.

Your committee report back the bill with a recommendation that it do pass, with an amendent: Strike out the word "fifty," in the seventh line, and insert the word "forty" in lieu thereof.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 749.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 4107.]

*The Committee on Pensions, to whom was referred the bill (H. R. 4107) granting a pension to Laura D. Pierce, have examined the same, and report:*

Your committee concur with the action of the House committee in this case, and recommend the passage of tne bill.

A portion of their report, setting out the facts in the case, is hereto appended:

The papers on file in the Pension Department establish the fact that the soldier, Artemus Pierce, of Company E, Fifteenth Vermont Volunteers, was a sound man at enlistment. It further appears that he injured his knee in the service, and subsequently, from carrying lumber, produced an umbilical hernia. For these disabilities he was pensioned, the injury to the knee having resulted in a severe form of chronic inflammatory rheumatism, involving the joint. Soldier died April 19, 1884, from general debility and disease of heart. The widow applied for a pension, but her claim was rejected on the ground that the disease of heart could not be accepted as a result of the diseases for which soldier was pensioned.

To get a clear idea of this case it is necessary to trace the disease from its beginning to its termination. It is conceded that soldier had a persistent rheumatic trouble, which followed him without intermission for more than twenty years, during which time his health was being gradually undermined. Repeated medical examinations show this fact. It is true that the existence of organic heart disease was not discovered until February, 1884, at which time he was examined by the board of pension examiners at Lancaster, N. H. It, however, by no means follows that the heart disease did not exist, in a modified form, anterior to this date; indeed, the conclusion is irresistible that the development of the disease was progressive. The findings of the Lancaster board were as follows:

"Right knee, inner side and front injured; swelled and puffed out by synovial fluid; deposit in joint grating, felt on movement of leg; very tender to touch under kneecap and over condyles; inflammation of ends of tibia, femur, etc., inside the ligaments, which are weakened; can not flex the leg, but swings it in walking and drags it after the other in going up stairs; slight blow on heal will cause pain in joint. Extra amount of labor on left knee weakens that also.

"Umbilical hernia, opening nearly as large as silver half dollar, directly above umbilicus in median line; very tender upon pressure; reducible, but protrudes upon coughing; wears truss continually.

"Hypertrophy of heart, valvular insufficiency, continual blowing, regurgitation, mitral disease, apex beat almost lost in murmurs; applicant describes dizziness, nightmares, suffocating feelings, shortness of breath, pulse intermittent, losing 7 or 8 beats."

The board gave it as their opinion that the disabilities were incurred in the service, and rated soldier on each of them.

Dr. George F. Adams, of Lunenburgh, Vt., certifies as follows:

"I attended Artemus Pierce, late of Company E, Fifteenth Vermont Regiment, in his last sickness. He died from disease of heart and general debility, resulting, as I believe, from his Army service. *About a week before* his final sickness commenced

I saw him at his home in a debilitated condition, being quite feeble, without any acute disease. His lameness had much increased, and his stomach and bowels were troubling him. About one week later, or in March, 1884, he came to my office and wished me to give him some medicine, as he felt very weak and feeble. He was hardly able to walk about. While in my office he was taken worse, with a pain apparently through the apex of the heart and the sternum; also in left side and stomach. I carried him home and attended him until his death, which resulted from the diseases described, causing hypertrophy of the heart."

Dr. Joseph L. Patten, a distinguished physician of Whitefield, N. H., deposes as follows:

"Was called to see said soldier with Dr. G. F. Adams, of Lunenburgh, Vt., on April 1, 1884. Found him suffering from enlargement of the heart, with valvular disease; also from large umbilical hernia. The prognosis was that he could live only a few days, which proved correct, as he died in about three weeks. Having previously examined soldier in my capacity as examining surgeon for the Pension Department, it is my opinion that his sickness and death were caused by the rapid increase of the disabilities for which he was pensioned."

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 750.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed

Mr. BLAIR, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 823.]

*The Committee on Pensions, to whom was referred the bill (H. R. 823) granting a pension to Hannah C. De Witt, have examined the same and report:*

The only question in this case is one of dependence. The soldier lived with his parents until he went into the Army; they depended on him, and there is no doubt if he had not lost his life in the service of his country he would now be their main dependence and support. There seems to be no doubt as to their present need, and even if, under the technical rules laid down under the general laws of the Pension Office, the parents could not be said to be strictly dependent on the soldier at the time of his death, there is no doubt that they are in such a condition of dependence now.

A bill similar to this has already been favorably reported by this committee, and it passed the Senate on the 16th of February.

The passage of the bill is recommended.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 751.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 3849.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3849) granting a pension to Martha M. Bagley, have examined the same, and report:*

Your committee have considered the facts in this case, as set forth in the following report of the House committee, and report the bill back with the recommendation that it do pass.

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Charles M. Bagley, late of Company A, Fifteenth New Hampshire Volunteers, was pensioned for a gunshot wound of the left hip, and died June 7, 1884, from peritonitis. The widow made application for a pension, but the claim was rejected on the ground that death was not the result of the wound for which soldier was pensioned.

Two physicians (Drs. Judkins and Lovering) attended the soldier in his fatal illness, and two others (Drs. Marston and Harriman) were present at the autopsy. These medical men severally testify as follows:

Dr. Frank L. Judkins says:

"I was called to see Charles M. Bagley several times during the winter of 1884. At such times I found him suffering with severe pain in left inguinal region, which radiated over the bowels. I was present at his autopsy, which revealed a mass of old adhesions near the track of bullet wound received in the service. I believe this wound was the primary cause of his sickness, and that he died from its effects."

Dr. F. S. Lovering testifies as follows:

"Was called to see soldier six months previous to his death. Found him suffering from intense neuralgic pains in vicinity of wound received while in the Army, radiating thence over the abdomen. He suffered in this manner almost daily until his death. He had also, as he told me, suffered with same, in a less degree of severity, ever since he was wounded. At the *post mortem* we found evidence of chronic peritonitis, with adhesions in vicinity of wound. I believe the wound to have been the remote cause of his illness and death."

Dr. Enoch Q. Marston, who did not attend soldier, but was present at the *post mortem*, gives this opinion:

"I was present at the autopsy of the said soldier, which autopsy showed that there had been extensive peritonitis, most marked in the left inguinal region; that there was an old cicatrix below Poupart's ligament, said to have been made by a bullet in the Army. Judging from the position of the scar and the severe peritonitis, I believe that they may have had a common origin, namely, the bullet wound."

Dr. A. H. Harriman, who was also present at the autopsy, is somewhat more explicit. He says under oath:

"I was present and took part in an autopsy upon the dead soldier, and the following is substantially the condition found, viz: The cicatrix of a wound, like that made by a bullet, in the thigh, immediately below Poupart's ligament, internal to the left femoral bone, and the results of a general chronic peritonitis. Entire peritoneum greatly thickened, with small amounts of serum in abdominal cavity. Evidences of the most intense inflammation were in proximity to the wound; here there were

adhesive bands in abundance. Bladder agglutinated to intestines and intestines to parietes, with products of hemorrhages. In the most dependent portion of the abdominal region the color was nearly black and gradually shaded off to a lighter color as one proceeded in any direction from the old wound, so that outside of the left inguinal region agglutinations were rare and evidences of hemorrhages not discoverable, the peritoneum presenting a light-gray color. I further declare that it is my professional opinion that the aforesaid bullet wound was the direct and exciting cause, either by septic absorption or by extension of inflammation of the at first local and final general peritonitis, resulting in the soldier's death. I will state that as one reason for giving this opinion its analogue is scarcely less than a daily occurrence in hospitals, especially in gynecology."

The widow testifies that she has four children, respectively aged 13, 11, 10, and 7 years; that her entire property does not exceed $75 in value, and that she is in delicate health, and has no other means of support than that supplied by doing washing for her neighbors. Judge David H. Hill makes affidavit to the correctness of the widow's statement.

In this case the equities seem to be strongly in favor of the claimant, and we therefore report the bill back, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 752.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 441.]

*The Committee on Pensions, to whom was referred the bill (H. R. 441) granting a pension to Eliza J. Currier, have examined the same and report:*

The House committee have made a full statement of the facts in this case, and their report is hereto subjoined. Your committee concur in the conclusion therein reached, and recommend the passage of the bill.

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The claimant is the widow of Joseph H. Currier, late a private in Company B, Third Regiment New Hampshire Volunteers. Soldier was twice injured while in the service, first by being thrown from a horse, and again by lifting a boat, the injury being to the back. While in hospital, under treatment for those injuries, he was attacked with chills and fever and chronic diarrhea, for which several disabilities morphia was prescribed in large quantities, the severe pain especially requiring that drug. He was discharged from the Army, suffering from *irritatio spinalis* (irritation of the spine), the surgeon declaring him to be wholly unfit for military service. He was pensioned for these disabilities. The evidence shows that the disabilities were continuous, and that from excessive pain and diarrhea he continued to use morphine up to the time of his death.

The widow made application for pension, but it was finally rejected on the ground that soldier's death was from disease of the kidneys, and that the fact as to whether the fatal disease was a result of disabilities incurred while in the service was not susceptible of satisfactory proof.

The physician who attended soldier certified that he died from Bright's disease, but as he admits that he did not, at any time, make chemical examination of the urine, his diagnosis is certainly nothing more than a matter of pure conjecture. In his certificate he says: "The cause of death, as above stated, was, in my opinion, due to his injury in the service," adding that death was probably hastened by the use of morphia.

It may be proper to add that a member of this committee, a physician, filed the following paper in the case.

"I am a practicing physician and surgeon in Concord, N. H. I knew said Currier well, and can testify from personal knowledge that when he came home from the Army he was completely wrecked physically, having intermittent fever, chronic diarrhea, and suffering from a severe injury to the back, received in the line of duty. I was frequently called upon to prescribe for him, ordinarily for very severe pain in the back and bowels, which usually required large doses of morphia to allay. In consequence of the use of morphia to relieve pain, which commenced in the Army, under medical advice, soldier became addicted to its use to a considerable extent. I had means of seeing solder almost every day extending over a period of many years, and always regarded him as a man completely broken in health from his Army experience. I did not treat him during the last two or three years of his life, but do not hesitate to declare it as my unqualified belief that his death resulted, indirectly at least, from disease contracted in the Army, and that his pension should be continued to his widow.

"J. H. GALLINGER, M. D."

In the final decision of the case in the Pension Office the medical referee, Dr. John Campbell, submitted the following:

"I went all over this case with Hon. Mr. Gallinger after his statement was filed, and believing that the claim was not susceptible of satisfactory proof my understanding was that he would introduce a special act in favor of the widow. Mr. Gallinger is a medical man himself, and I was of the opinion that he concurred in my views of the case, and that it was a proper one for Congressional action."

It will be seen from the above that stress was laid upon the fact that the case was not susceptible of "satisfactory proof." This is unquestionably true from a purely medical standpoint, but it will be borne in mind that soldier was completely broken down in the service, that the diagnosis of his fatal attack was not skillfully made, and that there is a strong probability that his death was due to diseases contracted in the Army. The widow is very infirm and destitute, and as the medical referee of the Pension Office admits, the case "is a proper one for Congressional action." Your committee report the bill back, and recommend that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 753.

# IN THE SENATE OF THE UNITED STATES

MARCH 27, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1577.]

*The Committee on Pensions, to whom was referred the bill (S. 1577) granting a pension to Mary H. Casler, have examined the same, and report:*

Your committee had this case under consideration during the Forty-ninth Congress, at which time they made the report which is hereto annexed. After a reconsideration of the case, they report it back, again recommending the passage of the bill.

The claimant, Mary H. Casler, is the widow of Marcus R. Casler, late captain of the One hundred and twenty-first Regiment New York Volunteers. He enlisted August 23, 1862, and was discharged October 4, 1864. He was pensioned for gunshot wound of left elbow, and died January 27, 1881.

Claimant states in her affidavit that the soldier was wounded at Rappahannock Station in the left elbow; was attacked with neuralgia in the wounded limb and resigned. He accepted a clerkship in the Annapolis Naval Academy, still suffering and continuing to suffer with neuralgia. Twenty days before his death he was attacked violently with jaundice, culminating in dropsy of the stomach.

She also states that after his return home he went to Little Falls, N. Y., and was treated by Dr. Stebbins, now deceased, for neuralgia. From the lapse of time since the regiment was disbanded it is difficult to procure explicit testimony, but she believes that the neuralgia was the primary cause of his death. He kept homeopathic medicines, and was only treated on special occasions by physicians of the Academy for neuralgia. It is impossible for her to file additional evidence of the soldier's condition since discharge.

The case was rejected on the ground that the soldier's fatal disease was not due to neuralgia, nor to his military service, but originated after his discharge.

Additional evidence has been filed, showing that since the soldier's death the widow and children have been supported by friends, and are now in great need.

Your committee have examined the facts in this case in the light of the additional evidence filed, and are of the opinion that the death of this soldier may fairly be presumed to be a result of his military service, and of the disability incurred therein. It is not of so conclusive a character as that which is sometimes presented, and the Department, which is always very conservative in its judgment, decided against the claim, but at the same time we believe that any fair-minded person who was disposed to give the claimant the benefit of all reasonable doubts on the score of her husband's faithful service and sacrifices for his country in its hour of need would decide that she was equitably entitled to the small pittance which she will receive under this bill. Her husband did good service; he suffered severely for years as the result of such service, for which the small pension he received was no compensation, and she is now left destitute and dependent.

We therefore report back the bill with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 754.

# IN THE SENATE OF THE UNITED STATES.

MARCH 26, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 2116.]

The Committee on Military Affairs, to whom was referred the bill (S. 2116) entitled "A bill to provide aid to State homes for the support of soldiers and sailors of the United States and their widows and orphans," have had the same under consideration, in connection with various communications received from the executive departments of States and other papers relating thereto, and, after a careful review of the subject-matter, report the bill back with some amendments and recommend its passage.

The bill, as introduced, provided:

That all States which have established, or which shall hereafter establish, State homes for disabled soldiers and sailors of the United States who served in the war of the rebellion or in any previous war, shall be paid for every such disabled soldier or sailor and widow or orphan thereof who may be admitted and cared for in such home for one year the sum of $100.

The number for which a State should receive pay to be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers; the States to have exclusive control of their State homes, with power in the Board of Managers of the National Home to inspect the same; payments to be made quarterly.

It can not be seriously doubted that the Federal Government, in the first instance, is justly chargeable with the care of its defenders, and more especially of those who aided to preserve the integrity of the Union in the late war, who, by thousands, have become, from the effects of service and the infirmities of age, physically disabled from earning a livelihood. In no proper sense can the responsibility for the entire care of the veterans of its wars be cast upon the States when the local burden always includes a liberal item of taxation for the support of the indigents usually found in every community. This is a sufficient strain, in that direction, upon the taxpayer.

The care and support of the indigent and disabled soldier is essentially a Federal obligation, and, in the judgment of your committee, it is neither wise, just, nor patriotic for a nation, by delay or otherwise, to evade it.

The Government has conceded the merit of this obligation and the necessity for its discharge. By the act of March 3, 1865, Congress authorized the erection of a National Home for Disabled Volunteer Soldiers of the late war, and by various acts since it has made appropriations for the erection of branch homes and provided for the support of

inmates therein, extending the provision concerning admissions to disabled veterans of all our wars.

The necessity for action at this time in the direction indicated in the bill is demonstrated, in part, by statements recently furnished the Commissioner of Pensions, showing the condition of the disabled and indigent soldiers in the States. It will appear therefrom that there are at present in charitable institutions of the States because of their poverty an aggregate that is quite startling. Senator Manderson, in a recent speech in the Senate, presented a tabulated list, by States, of those who are in the almshouses of the country, which your committee deem it proper to herewith present:

*Veterans in charitable institutions because of their poverty, and dependents at noon October 15, 1887.*

| | Veterans. | Dependents. | Total. | | Veterans. | Dependents. | Total. |
|---|---|---|---|---|---|---|---|
| Arkansas | | | 6 | New Jersey | 346 | 15 | 361 |
| California | 274 | 1 | 275 | New Mexico | | | 7 |
| Colorado | 11 | 4 | 15 | New York | 1,782 | 206 | 1,988 |
| Connecticut | 274 | 91 | 365 | North Carolina | 12 | 2 | 14 |
| Dakota | 15 | 2 | 17 | Ohio | 732 | 480 | 1,212 |
| Delaware | 17 | 1 | 18 | Oregon | | | 10 |
| District of Columbia | 21 | 51 | 72 | Pennsylvania | 721 | 2,958 | 3,679 |
| Florida | 3 | 1 | 4 | Rhode Island | 15 | 4 | 19 |
| Georgia | 14 | 6 | 20 | Tennessee | 27 | 20 | 47 |
| Idaho | | | 2 | Texas | 12 | 5 | 17 |
| Illinois | 827 | 167 | 994 | Vermont | 99 | 75 | 174 |
| Indiana | 208 | 116 | 324 | Virginia | 12 | 2 | 14 |
| Iowa | 229 | 119 | 348 | Washington Territory | 11 | 1 | 12 |
| Kansas | 66 | 9 | 75 | West Virginia | 44 | 14 | 58 |
| Kentucky | 100 | 50 | 150 | Wisconsin | 125 | 45 | 170 |
| Louisiana | 8 | 6 | 14 | Wyoming Territory | | | 1 |
| Maine | 1,097 | 113 | 1,110 | | | | |
| Maryland | | | 36 | | 16,856 | 4,945 | 21,801 |
| Massachusetts | 8,798 | 112 | 8,910 | | | | |
| Michigan | 473 | 96 | 569 | Deduct Massachusetts | *8,000 | | *8,000 |
| Minnesota | 77 | 15 | 92 | | | | |
| Mississippi | | | 7 | | 8,856 | | 13,801 |
| Missouri | 138 | 62 | 200 | | | | |
| Nebraska | 16 | 1 | 17 | Add National Homes | | | 15,152 |
| Nevada | | | 1 | | | | |
| New Hampshire | 266 | 95 | 361 | Total | | | 28,953 |

*8,000 are deducted, being those receiving State aid in Massachusetts who are not actual inmates of the poor houses.

There are many more supported by private charity, by the Woman's Relief Corps, and by the Grand Army of the Republic.

The necessity for national aid to the States becomes still further apparent from reports made by the Board of Managers of the National Home for Disabled Volunteer Soldiers. In their report for the fiscal year ending June 30, 1885, the Board says:

The increase in the membership of the National Home (and branches) has been constant, and for reasons referred to hereafter the percentage of increase has been greater than it has been for many years. * * *

Four branches of the Home (all except that at Leavenworth) now contain more than double the number of men for which they were originally built. The capacities of these branches should not, in the opinion of the Board, be further increased, and the limit of size of the branches now existing should be considered to have been reached, a membership of fifteen hundred being, from the experience of the Board, as large as any branch should have.

It is impossible to tell how long the membership of the Home will increase under the present law. It is safe to say, however, that it is not probable that the number will begin to diminish for at least ten years, and that there will be an increase up to that time at least. There are now fully one thousand men who have applied for admission to the Home who are fully entitled to admission under the law. They can not be admitted, first, because there are no places for them, and, second, because there is not money enough appropriated for their support.

In the report of the Board for the fiscal year ending June 30, 1887, it appears that the average numbers of members present during the last five fiscal years are as follows:

| Year ending June 30— | |
|---|---|
| 1883 | 6,738 |
| 1884 | 7,494 |
| 1885 | 8,118 |
| 1886 | 8,758 |
| 1887 | 9,718 |

It appears, therefore, that the actual number present through the whole year has increased in five years 2,980, or 44 per cent., and the Board says:

The barracks at the Northwestern, Southern, and Western Branches, appropriated for by Congress June 30, 1886, have been erected during the fiscal year, furnishing accommodations for about 1,000 men. Every bed in these additional barracks is now in use, and in every branch, unless it be the Western, men are now using the floor for beds.

The question, how long the membership of the Home will increase, still remains unsolved. Under the law every soldier who is disabled and who can not earn his living is entitled to admission to the Home whether his disability can be traced to service in the Army or not. This law was enacted on July 5, 1884. During the past three years the number of those admitted on account of wounds received in action or disability incurred in service has materially fallen off. On the other hand, the number admitted on account of age and disability incurred since the war has increased, so that the annual number of admissions continually increases. These causes of increase will continue as the soldiers grow older, and the membership of the Home must increase for an indeterminate series of years so long as Congress furnishes the means for such increase. The existing branches of the Home are now filled to their utmost capacity, and, in the opinion of the Board, only one, or at most two, of them should be farther enlarged.

The remedy: In their report for 1885, the Board opposes an enlargement of the branches; "the capacities of these branches should not, in the opinion of the Board, be further increased." To establish a sufficient number of branch homes to accommodate those entitled to and now awaiting admission to the National Home, and those now in the poor-houses of the States, would not be a measure of economy. It would assuredly call for an excess of expenditure by the Government (for buildings and support) far greater than that called for in this bill.

Some idea of the burden which is cast upon the States may be derived from statements in the hands of your committee, from which it appears that in buildings for State Homes there has been expended—

| | |
|---|---|
| In California | $75,000 |
| For support, probably annually | 15,000 |
| In Connecticut, buildings and support for only two years | 147,000 |
| In Illinois, annually, for support | 430,000 |
| And that State has expended on Soldiers' Orphan Home and support thereof | 1,155,446 |
| In Iowa, for buildings | 100,000 |
| And for buildings and support of orphans | 1,188,555 |
| In Kansas, for orphans of and soldiers, and for buildings (and has but just opened a Soldiers' Home; no figures at hand) | 80,000 |
| In Michigan, for buildings | 160,000 |
| For support, annually | 145,000 |
| In Minnesota, Orphans' Home and support (has just erected a State Home) | 110,000 |
| In Missouri (no State Home) for orphans | 42,500 |
| In New Jersey, Newark State Home | 695,000 |
| For a new State Home building | 125,000 |
| In New York, buildings and grounds | 203,000 |
| For support, per annum, about | 100,000 |
| In Ohio, buildings and grounds | 150,000 |
| In Pennsylvania, buildings, State Home | 250,000 |
| For support, per annum (estimated) | 230,000 |
| And for orphans | 625,000 |

In some of the States the care and support of veterans and orphans of soldiers is made a town charge or is a matter of taxation. According to the statement of Senator Hoar, Massachusetts has paid for support of widows and orphans of veterans upwards of $18,000,000, and that State "would have been long ago out of debt were it not for the sum represented by this State aid." He said:

There are agents of the Commonwealth who visit every town and city of the State during the year to inquire personally into the condition of every person who is receiving State aid. The number of such persons is between six thousand and seven thousand all told. In addition to that, the town or city authorities have a full knowledge of the propriety and necessity of the administration of this aid.

Wisconsin is said to have expended upwards of $11,000,000 for such support since the war.

It seems quite plain to your committee that a portion of this burden, yea, the greater part of it, should be borne by the Federal Government. The States have carried it over twenty years, and it is scarcely possible to say what the aggregate has been. They ask for no return of moneys thus expended, but they do demand that, in future, the nation assume its just and full share of an obligation that rests upon it alone. That the States, from motives of patriotism and humanity, have erected State homes and given inmates support therein in no wise absolves the Federal Government from its own obligation to extend future aid. In their report for the fiscal year ending June 30, 1886, the Board of Managers of the National Home say:

The survivors of the war are growing old, their disabilities are severer, and the number who are unable to support themselves is for these reasons rapidly increasing. Notwithstanding the fact that a new Home, capable of providing for 1,500 additional members, has recently been completed at Leavenworth, Kans., there are yet many disabled and destitute soldiers cared for in the almshouses of the country. Several of the States have endeavored to provide for this emergency by the erection of State homes. Illinois, Ohio, Iowa, Michigan, and Pennsylvania have recently established State homes, and such homes have for some time been established in New York, California, Massachusetts, Vermont, New Jersey, Connecticut, and in a few other States. If Congress should provide by law for assisting in maintaining the soldiers admitted to these State homes by authorizing the Board of Managers to pay one-half of the cost of supporting each soldier thus provided for, the necessity of building additional Homes might be avoided.

Since this was written other States have taken steps to establish homes, among them Nebraska, which by law provides not only for the support of ex-soldiers but also their dependent widows and orphans.

Many of the States have incurred large expense in caring for the orphans of veterans of our wars, and for the widows of soldiers, and there are at the command of your committee strong expressions from the executives of States in favor of the Government assuming a share of this burden, but your committee after reflection are constrained to differ, and have accordingly stricken from the bill the provision in regard to the widows and orphans of soldiers. It is also suggested in executive communications received that the amount of aid proposed to be extended by the bill be increased to $150 per capita, but your committee adhere to the sum ($100) fixed in the bill as offered, but amend the first paragraph so as to read as follows:

That all States which have established, or which shall hereafter establish, State Homes for disabled soldiers and sailors of the United States who served in the war of the rebellion or in any previous war, *who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living*, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such Home at the rate of one hundred dollars per annum,

This makes the bill accord in the matter of rule of admission with that now in force and governing admissions to the National Home. And your committee see no reason why period of time should be prescribed, but that the sum paid should be at the rate of $100 per annum. As thus amended your committee recommend that the bill do pass, and attach hereto by way of an exhibit (A), excerpts from some of the executive communications received. The title of the bill should be amended by striking out the words "and their widows and orphans.'

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EXHIBIT A.

STATE OF CONNECTICUT, ADJUTANT-GENERAL'S OFFICE,
*Hartford, March* 16, 1888.

DEAR SIR: Your letter of March 1 to his excellency Governor Lounsbury of Connecticut, inclosing copy of Senate bill No. 2116, has been referred to me by the governor for reply.

This State has a Soldier's Home, which was first established by private benevolence for soldiers and children of soldiers. It was incorporated by the legislature of this State in 1874, and was continued in a small way until 1883, when it was first aided by the State paying weekly board for inmates and so continued until the State assumed control. In 1886 the sum of $15,000 was appropriated for additional buildings. In January, 1887, the legislature provided for the transfer of the management to the State, appropriated $17,000 for additional land and buildings, and in addition thereto appropriated $147,000 for the care of soldiers in Home and State hospitals for two years, ending June 30, 1889.

The Home was transferred to State control May 1, 1887, and is managed by a board called the Soldiers' Hospital Board, composed of the governor, adjutant-general, surgeon-general *ex-officio*, and three G. A. R. veterans nominated by the department commander and appointed by the governor. The governor and all present members of the board, except surgeon-general, are members of the G. A. R.

The average number present at the Home during the first four months of the year 1887, under the old management, was 103; for the last nine months of the year the average was 125. In addition to the above the State supported in hospitals during the year an average of 50 at a cost of $6 per week each, and an average of 20 in the State Hospital for Insane. This State makes no provision for the care of soldiers outside of the above-named institutions.

A fund of $20,000, which came from private benevolence, is kept as a permanent fund, the income to be used for the benefit of the Home.

The foregoing information comprises, I think, all that is asked for in your letter, but as you requested suggestions from the governor, I take the liberty of offering a few for your consideration.

Your bill is, in my opinion, an eminently just one, placing the cost of caring for the disabled veteran on the General Government, where it rightly belongs, and making the States lately in rebellion, who caused all the expense, pay a portion (a very small one it is true) of the cost.

1st. I wish that the sum appropriated might be increased to $150 per man. The cost to this State at the Home for last six months of 1887 was about $3 per week per man, which included board, clothing, tobacco, and medicines.

2d. The cost for those in hospitals as stated above was $6 per week, and I think whatever amount is fixed upon, the bill should be made to include those supported in hospitals as well as in the Homes.

3d The inmates of the Home are transient, the number being much larger in winter than in summer, and comparatively few remain steadily a year.

Should not the bill be made to pay so much per *average* number present during each quarter?

I have the honor to be, very respectfully, your obedient servant,

FREDERICK E. CAMP,
*Adjutant-General and Executive Officer Soldiers' Hospital Board.*

Hon. CHARLES F. MANDERSON,
*United States Senate.*

STATE OF ILLINOIS, EXECUTIVE OFFICE,
*Springfield, March* 5, 1888.

DEAR SIR: Your communication of the 1st instant, inclosing copy of a bill "to provide aid to State homes for the support of disabled soldiers and sailors of the United States and their widows and orphans," has been received.

I have this day directed the superintendent of the Soldiers' and Sailors' Home at Quincy, Ill., Maj. J. G. Rowland, to transmit to you at the earliest practicable day the information you desire in regard to the date of the establishment of the home, the number of its inmates, etc. I think the passage of such a bill would be a judicious appropriation of public moneys, especially any surplus revenue which may be lying idle in the Treasury at the present moment. The United States could in no more acceptable way testify its regard for the soldiers of the Republic than by such a measure. I ought perhaps to state that the act of our legislature of 1885, creating the home, makes no provision for caring for the widows and orphans of soldiers. We have provided excellent cottages for their accommodation, and therefore have an excellent home admirably equipped in every respect for the purpose for which the legislature created it. It is very prudently and economically managed, and all of our Illinois soldiers find comfortable homes there.

My impression is that the number present and absent is not far from 600. I believe there are over 500 present in the institution at this time. Major Rowland will, however, communicate with you on the subject.

Yours, respectfully,

R. J. OGLESBY.

Hon. CHARLES F. MANDERSON,
*United States Senator, Washington, D. C.*

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ILLINOIS SOLDIERS AND SAILORS' HOME,
*Quincy, Ill., March* 7, 1888.

SIR: The governor of Illinois has referred to me your letter of 1st instant concerning this Home, with the request that I supply the desired information.

The Illinois Soldiers and Sailors' Home was established by act of general assembly June 26, 1885. It was opened for reception of soldiers March 15, 1887, and is supported exclusively by State appropriations.

| | |
|---|---|
| Total number of members admitted to date | 700 |
| Present enrollment | 598 |
| Members present | 525 |

I will cheerfully furnish any other information which may be deemed of service to you.

Very respectfully, yours,

J. G. ROWLAND,
*Superintendent.*

Hon. CHAS. F. MANDERSON,
*United States Senate, Washington, D. C.*

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IOWA EXECUTIVE OFFICE,
*Des Moines, March* 7, 1888.

DEAR SIR: I am instructed by Governor Larrabee to acknowledge the receipt of your letter of the 1st instant, and to state in reply that our general assembly of 1886 passed a bill for the establishment of an Iowa Soldiers' Home. The Home was subsequently located at Marshalltown; it was completed last year and formally opened for the reception of inmates on the 30th of November. The report of the commandant for January shows that 91 inmates were being cared for in the Home on the last day of that month.

The Home was built at a cost of about $75,000, and it is supported by a direct appropriation made by the State.

I am also instructed to assure you that the governor is in hearty sympathy with the object of your bill, and that he hopes you may succeed in having it enacted into law.

Very respectfully, yours,

FRED'K. W. HOSSELD,
*Private Secretary.*

Hon. CHAS. F. MANDERSON,
*United States Senate, Washington, D. C.*

STATE OF KANSAS, EXECUTIVE DEPARTMENT,
*Topeka, March 5, 1888.*

MY DEAR SIR: I acknowledge the receipt of your letter of March 1, inclosing a copy of Senate bill No. 2116.

There is no State home for soldiers in Kansas. We have established a home for soldiers' orphans, and it now has about 100 inmates. But we have no home for soldiers that is maintained by the State.

I heartily approve of your bill to provide aid for State homes for the support of disabled soldiers and sailors of the United States. The Board of Managers has recommended such action in its annual report to Congress. This recommendation was made at my suggestion and on my motion. I had noticed that homes have been established in a number of States, and it seemed to me unjust that the State should be taxed to support men who were disabled in the service of the United States.

Yours, very respectfully,

JOHN A. MARTIN.

Hon. CHARLES F. MANDERSON,
*United States Senator, Washington, D. C.*

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COMMONWEALTH OF KENTUCKY, EXECUTIVE DEPARTMENT,
*Frankfort, March 10, 1888.*

DEAR SIR: Your letter of 1st instant, inclosing copy of Senate bill No. 2116, was duly received. For reply I would state that Kentucky has no "State Soldiers' Home." While I sympathize with the soldiers of our Republic who may have incurred any of the various forms of disability incident to military service, I think such persons are peculiarly the wards of the nation, and as such should be liberally provided for at the national expense.

I have the honor to be, very respectfully,

S. B. BUCKNER,
*Governor of Kentucky.*

Hon. CHAS. F. MANDERSON,
*United States Senate, Washington, D. C.*

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MINNESOTA SOLDIERS' HOME,
*Saint Paul, Minn., March 9, 1888.*

DEAR SIR: Your letter of March 2 to Governor McGill has been referred to me for reply.

The State of Minnesota has a State Soldiers' Home, established by a law passed in March, 1887. It is now located in temporary quarters at Minnehaha Falls (between Saint Paul and Minneapolis), and near the permanent grounds on which buildings will at once be erected. The temporary Home was opened November 15, 1887, and now has fifty-eight inmates, its full capacity of accommodation. We have at least forty more applications, which we have been obliged to decline on account of lack of room, but we are helping the applicants from our "outside relief fund," at various places, until we can provide for them. It is safe to say that there are at least one hundred and fifty homeless ex-soldiers (without families) in this State, who should be immediately gathered into our State Home, and will be as soon as buildings can be provided. And the number will rapidly increase. We shall build with a view to a maximum capacity of eight hundred or one thousand men. The State does not regard it as primarily its duty to care for these veterans, but the National Homes can not take them, and as soon as it was found that many of them were drifting into poor-houses, the G. A. R. took the matter up, and this is the result.

I inclose copies of the report of the secretary of our board. From this you will see that we have an outside relief fund from which we are caring for hundreds of men living at home with their families, who would otherwise be eligible for admission to the Home. It is a very valuable feature, but is also doing the work which should be done by the National Government, and which we will be largely released from if the Senate pension bill becomes a law.

Both the governor and myself think very highly of the principle of your law. But we think that the allowance to the States should be increased to at least $150 per annum for each inmate. Even then it would reach less than half the cost of maintenance, counting interest and repairs of buildings, etc. We are keeping there men comfortably, not as paupers to be starved, but as invalids to be nourished. The average age of our inmates is about sixty years, and 40 per cent. of them are fit subjects for medical treatment.

The report of the secretary, which I inclose, was made February 13. Since then the number of inmates has increased, as stated, to fifty-eight, and the applications for outside relief, and disbursements of same, have increased in still greater proportion. The fact is, that the facts as to the law and its operation have only just begun to be disseminated throughout the State, and it is only when the work is fully organized in every county that its full necessity and benefits will be appreciated.

I will be glad at any time to furnish any information in my power on this subject.

Very truly, yours,

HENRY A. CASTLE.

Senator C. F. MANDERSON.

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STATE OF NEBRASKA, EXECUTIVE DEPARTMENT,
*Lincoln, March* 7, 1888.

DEAR SIR: Your favor of the 2d instant, inclosing copy of bill to provide aid for State homes for support of disabled soldiers, sailors, etc., has been received. In reply to your inquiries, I have the honor to state that the legislature of this State one year ago enacted a law providing for the establishment of a soldiers' home at Grand Island, Nebr. The main building is now nearly completed. No one has yet been received into it. When occupied the inmates are to be supported by appropriations from the State.

The act provides for receiving into the institution all soldiers and sailors "who have become disabled "by reason of such service" in the late war of the rebellion," old age, or other causes, from earning a livelihood, and who would be dependent on public and private charity; and also wives of such soldiers and sailors, and their children under the age of fifteen years, and the widows, and children under the age of fifteen years, of soldiers, sailors, and marines who died while in the service of the United States, or who were honorably discharged from such service, and who have since died, etc.

The act establishing this home contemplates the erection of cottages, each on a lot of 2½ acres, so that the veterans who are able may do a little in the way of cultivation.

The act creating the home was approved March 4, 1887.

I have no suggestions to make in reference to the bill, except to call attention to the word "disabled." I trust that that word as used in this act does not refer alone to soldiers disabled by wounds, but to such also as are disabled by reason of service in the war of the rebellion, or by old age and other causes, from earning a livlihood.

I most heartily indorse this measure. and trust that in the interest of justice this will become a law.

Very truly, yours,

JOHN M. THAYER.

Hon. C. F. MANDERSON,
*United States Senator. Washington, D. C.*

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STATE OF OHIO, EXECUTIVE DEPARTMENT, OFFICE OF THE GOVERNOR,
*Columbus, March* 14, 1888.

SIR: Answering your communication of the 2d instant, the State of Ohio is now building a Soldiers' and Sailors' Home at Sandusky, Ohio. We are building it on what is known as the cottage plan. The administration building and a number of cottages will be completed and ready for occupation by June 1 next. It was provided for by act of the general assembly of date April 30, 1886. The State has appropriated for its construction $150,000. More will be appropriated as needed until it is finished, at which time it is expected to accommodate about 1,200 inmates.

We have also at Xenia, Ohio, a home for the orphans of soldiers and sailors, which accommodated during the year 1887 about 700 inmates.

Allow me to suggest that your bill should be amended so as to re-imburse each State for each soldier's orphan it is supporting in a home such as ours at Xenia.

I have the honor to be, very respectfully,

J. B. FORAKER.

Hon. CHAS. F. MANDERSON,
*Washington, D. C.*

COMMONWEALTH OF PENNSYLVANIA,
EXECUTIVE CHAMBER,
*Harrisburg, March* 3, 1888.

MY DEAR SENATOR: Your letter of the 2d inst., inclosing copy of Senate bill 2116, entitled "A bill to provide aid to State Homes for the support of disabled soldiers and sailors of the United States and their widows and orphans," has been received. We have a State Home in Pennsylvania, located in the city of Erie. It was established in pursuance of the provisions of the act of June 3, 1885. It has been in active operation for nearly two years. The number of inmates at present is about 250. Of these some 10 to 15 are absent on leave, making the actual number present in the Home about 240.

We are making large additions to the buildings just now, so that we expect to be able to accommodate within the next six months about 600 in all. It is a distinctively State institution, built with State funds, managed by a board of trustees provided for in the original act establishing the Home, and is maintained by State appropriations. No one is admitted to the Home except those who served in Pennsylvania regiments during the war of the rebellion and have been honorably discharged from the service and are without means of livelihood. Great care is exercised when admitting the inmates to see that their record of service is all right. I can not see, under the circumstances, why the General Government should not provide for the men who are there assembled, and it seems to me that the provisions of your bill are entirely proper.

We will probably expend $250,000 in buildings and equipment, in addition to the value of the ground and buildings which the State had on hand, and which had been intended originally for a marine hospital.

The provisions of your bill do not, as far as I can see, conflict in any way with the proper management of our Home, or of any other which may have been or may hereafter be established under State supervision and authority. The beneficial effects of the bill will, in my judgment, be better than an indiscriminate service pension, or even a general dependent pension bill, inasmuch as the bounty of the Government will go to the men who are in actual and pressing need of it. Whilst our State will not hesitate to provide for these men in the manner in which it is now doing it, it is nevertheless true that the provision should be made by the General Government, and the State in contributing toward this worthy object is simply lifting so much of legitimate burden from the shoulders of the Government.

Very cordially, yours,

JAMES A. BEAVER.

Hon. CHARLES F. MANDERSON,
*United States Senate, Washington, D. C.*

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EXECUTIVE OFFICE, MICHIGAN,
*Lansing, March* 9, 1888.

DEAR SIR: Yours of the 1st instant, making inquiries in relation to the Michigan Soldiers' Home, at hand. A Home for disabled Michigan soldiers and sailors was established by act at our legislature in June, 1885. It was completed and dedicated on the 31st of December, 1886. The building, furniture, and equipments have cost $160,000. It has provisions for three hundred and eighty inmates, but is now overcrowded and four hundred are accommodated. About $145,000 for the current expenses of 1887 and 1886 were appropriated, making an annual average expense of about $200 each. The plan works to the general satisfaction of the old soldiers and citizens of the State.

Very truly, yours,

C. G. LUCE,
*Governor.*

Hon. CHARLES F. MANDERSON,
*Washington, D. C.*

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STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
*Trenton, March* 6, 1888.

MY DEAR SENATOR: I send you the last annual report of the managers of the New Jersey Home for Disabled Soldiers. It was organized under an act passed in 1866, and has a permanent annual appropriation of $25,000 for its support. An additional amount of $10,000 has been appropriated this year for its proper maintenance.

The State has made an appropriation of $125,000 for the purchase of property and the erection of suitable buildings, which are now about completed, and will be occupied in the spring.

I also send extracts from my annual message and from the report of the comptroller, which will give you more in detail the statistics.

Very truly, yours,

ROBERT S. GREEN.

Hon. CHARLES F. MANDERSON,
*Washington, D. C.*

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[Extract from message.]

SOLDIERS' HOME.

By the report of the managers it appears that there were 328 inmates on the 31st of October, 1887. There were admitted during the year 329; discharged, 269; expelled, 12; died, 35. The average number of inmates was 329 per day. Of the inmates of the Home during the year 513 served in New Jersey regiments. Fourteen thousand seven hundred and twenty-five have been cared for since the Home was opened. The total receipts for the year, including the balance on hand October 31, 1886, was $33,814.29. The expenses for the same time were $32,592.79. Balance on hand October 31, 1887, $1,221.50. The value of farm and dairy products consumed was $1,557.22. The additional amount needed for the proper maintenance of the Home during the present fiscal year is $20,000.

One hundred and twenty-five thousand dollars was appropriated for the purpose of the erection of a Home for Disabled Soldiers, and the purchase of the necessary property on which to build the same. The managers, to whom this important work was entrusted, secured an excellent plot of ground upon the banks of the Passaic River, and have been engaged during the year in the erection of the buildings necessary for that purpose.

The care of those who are disabled from earning their own livelihood, in consequence of wounds received, or of sickness contracted in the service of their country in time of war, is a sacred trust upon the people of the State. They gave up all the comforts of home, abandoned the pursuit of business, and devoted their lives, health, and energies to the defense of the Union. They should be the wards of the State, and it should be our care, when they become and are unable to provide for themselves or their families, to look after them, make their future pathway in life as pleasant as possible, and do all that we can to secure their comfort and alleviate their suffering.

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[The New York State Soldiers' and Sailors' Home, Bath, Steuben County, N. Y.]

BATH, STEUBEN COUNTY, N. Y., *March* 12, 1888.

DEAR GENERAL: Absence at Albany on official business has prevented an earlier reply to your favor of the 2d instant, and I take pleasure in answering your queries in their order, viz:

The New York State Soldiers and Sailors' Home is a State institution and was orignally organized by the Grand Army of the Republic, Department of New York, and the original building erected under its auspices by voluntary contributions from members of the order and citizens of the State.

It was opened on Christmas day in the year 1878, and early in 1879 was turned over to the State on condition that the legislature would provide for its maintenance, which it has done liberally up to this time.

Three years ago an appropriation of $50,000 was also made for the construction of additional barracks. Previous to the erection of the new barracks the capacity of the home was about 700. We can now accommodate 1,000, with a number of applications which we have been compelled to deny.

We have applied to the legislature for an appropriation for additional buildings, which will no doubt be granted.

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|---|---|
| The number present and absent September 30, 1887, was | 924 |
| Present September 30, 1887 | 759 |
| Discharged and dropped during year ending September 30, 1887 | 498 |
| Died during year ending September 30, 1887 | 68 |
| *Admitted* during year ending September 30, 1887 | 554 |

| | |
|---|---|
| Average number present daily during year ending September 30, 1887 .... | 852 |
| Present and absent March 12, 1888 .... | 1,062 |
| Present March 12, 1888 .... | 991 |
| Number of acres of land, 360; value .... | $21,600.00 |
| Cost of buildings .... | 182,305.50 |
| Total .... | 203,905.50 |

The appropriation by the legislature for the fiscal year ending September 30, 1888, for maintenance and ordinary repairs was $110,000.

As your bill provides that the sum to be awarded to the State homes shall be made under such regulations as may be established by the Board of Managers of the National Home, I have no suggestions to offer. I have no doubt they will carry out the intent of Congress in a satisfactory manner.

I have the honor to be, general, very respectfully, your obedient servant,

WM. F. ROGERS,
*Superintendent.*

Hon. CHARLES F. MANDERSON,
*Senate Chamber, Washington, D. C.*

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STATE OF VERMONT, EXECUTIVE CHAMBER,
*Brandon, March* 15, 1888.

DEAR SIR: Your favor having reference to and making inquiry as to the subject of Soldiers' Home in Vermont, with inclosure, was duly received, and in reply I have to say that there is a Soldiers' Home at Bennington, in this State, established and maintained by the State, the same having been established under the provisions of act No. 180 of the session laws of Vermont, A. D. 1884, entitled "An act to incorporate the trustees of the Soldiers' Home in Vermont," and by act No. 228 of the same session of the legislature entitled "An act making appropriation for the trustees of the Soldiers' Home," the sum of $10,000 was appropriated by the State for the use of said trustees, and by act No. 214 of the session laws of 1886 a further appropriation of a like sum for the same purpose was made by the State.

Through the generosity and liberality of individuals the State has a Home—a fine farm containing about 200 acres—formerly the residence of a retired getleman, which makes a pleasant and beautiful place for our disabled and needy veterans. Nearly all of the first appropriation was required to reconstruct, repair, and furnish the building. The Home was not in condition to receive applicants until May, 1887, when it was opened. Up to this time there have been 39 inmates, 2 of whom have died, 1 furloughed, and 1 discharged, so that there are now 35 inmates, with a large number of applicants who can not be received, only as vacancies occur, for want of room. The trustees intend to so enlarge the accommodations by erecting additional buildings by early summer that they can accommodate from 80 to 100 in all. It is my opinion that by next summer we shall be in great need for room and accommodations to the full extent contemplated by the trustees, *i. e.*, from 80 to 100, and it seems to me that the number must increase from year to year for from fifteen to twenty-five years to come, unless the pension laws of the United States shall be so changed as to include a class not now covered by laws having reference to pensions.

It is gratifying, indeed, to see a move in the direction contemplated by Senate bill 2116. Our veterans should and must be so provided for as to keep them from the doors of the poor-house; and this duty can not be in better hands than that of the General Government they helped to save. You ask me to make suggestions. Very well. Let me call your attention to the language in section 1, line 7, "and widow or orphan thereof who may be admitted and cared for in such Home," etc. I am at a loss to conclude what is meant or intended by this language. Is it intended to render this aid for the "widow or orphan" *at the Home?* If not, then wherein and under what regulations, etc., is the proposed act broad enough to accomplish the purpose in view, having reference to the "widows and orphans"?

I am, sir, very truly, yours,

EBENEZER J. ORMESBEE,
*Governor of Vermont.*

Hon. CHAS. F. MANDERSON,
*United States Senator.*

STATE OF WISCONSIN,
STATE BOARD OF CHARITIES AND REFORM,
*Madison, March* 23, 1888.

DEAR SIR: At the request of the governor's private secretary, I write you in relation to the Wisconsin Veterans' Home. He tells me that you have introduced a bill in the Senate giving aid to State Soldiers' Homes.

The Wisconsin Veterans' Home was proposed by the department encampment of the G. A. R. February 15, 1887. I was a member of the committee to which the subject was referred of asking for a State Soldiers' Home. As secretary of the State board of charities and reform I was able to assure the committee that no State institution of any kind would be built during this financial period on account of the condition of the State finances and the demands of the State University. On my advice it was decided to establish a Home of our own, asking for State aid. We secured such legislation without any difficulty.

We now have 70 acres of land on a beautiful lake at Waupaca, and buildings which now contain 51 inmates, nearly the full capacity at present.

We receive $3 a week from the State for each inmate who was an honorably discharged soldier, sailor, or marine of the civil war, or for a woman who was the wife of such during the war. We shall ask to have this extended to the wives and widows of soldiers who were married since the war, with some precautions to prevent imposition.

We have a fair sized central building, and six cottages for two each, usually a soldier and his wife. We expect to enlarge this summer by adding cottages, which will be contributed by posts of the Grand Army of the Republic and corps of the Woman's Relief Corps. We hope to build twenty-five such small cottages this summer.

The appropriation from the State is ample to cover all current expenses and make some minor improvements, but not to put up buildings. For these we expect to rely upon the Grand Army of the Republic, the Woman's Relief Corps, and citizens like Senators Sawyer and Spooner, who have each contributed liberally.

We expect to make it a home as nearly as it is possible to make any institution a home. Our specialty will be to receive the soldiers with their wives. Single men are well provided for in the national Homes, except for two evils, the overcrowding and the unnecessary expense in providing elegance rather than comfort, which is the great fault of most public institutions. But married men must leave their wives to enter a national Home. We shall also receive the widows of soldiers, most of whom do not get pensions.

Will you do us the favor to so arrange your bill as to include us in it, if we are not already so included? The title to the property is in a corporation called the Wisconsin Veterans' Home. The members of the Department Encampment of Wisconsin, Grand Army of the Republic, are members of the corporation, which is managed by a board of trustees, elected by them.

Yours, respectfully,

A. O. WRIGHT,
*Secretary Trustees.*

Hon. C. F. MANDERSON.

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Letters have also been received from many other governors of States where State Soldiers Homes have not been established, and it is a fact worthy of note that in no instance has there been adverse criticism of the bill herewith reported.

General W. B. Franklin, president of the board of managers of the National Home for Disabled Volunteer Soldiers, in a letter dated January 31, 1888, to Senator Hawley, says:

Some legislation is necessary in the direction of increasing the number of the branches of the National Homes or in giving national aid to State Homes with such restrictions as to the expenditures of the money as may be found to be proper. But the legislation should not be confined to a Home in one State. It should be general, and apply to all of the State Homes, and there are now many of them. It seems to me, therefore, that legislation giving money to one State Home is objectionable, considering the large number of State Homes that have been long established and supported at the cost of the various States which have hitherto received no help from Congress.

In another letter, dated February 2, 1888, to General T. S. Peck, of Burlington, Vt., General Franklin says:

We have 12,500 old soldiers in the National Home to-day. Every foot of space is occupied, and yet hundreds are kept out from want of room. I believe the best way to supplement the National Home is to assist the State homes, but I think the assistance should be given to all of them and be a general law.

General M. T. McMahon, of New York, writes as follows to General Peck:

OFFICE OF THE UNITED STATES MARSHAL,
SOUTHERN DISTRICT OF NEW YORK,
*New York, February* 2, 1888.

MY DEAR GENERAL: Your letter of the 31st is received. I expect to see General Franklin and go with him to Washington in a few days, and will do what I can to carry out your views. The trouble as to the State homes has been that with the exception of the State of New York, the appropriations necessary for their support are not to be counted on, and I have frequently, in conversation with General Franklin and other members of the Board, discussed the matter, and I think the sentiment of the Board is in favor of an act of Congress authorizing the Board to pay a certain sum towards the support of those institutions per capita for the number of the men maintained in them.

The National Homes are overcrowded, and while I think myself it would be better that a larger number of branches of the National Home should be created, yet while the States are willing to establish and maintain homes for their own soldiers it would be wise for the General Government to render them certain assistance.

Very sincerely, yours,

M. T. MCMAHON.

General T. S. PECK.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 755.

IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 545.]

The Committee on Military Affairs, to whom was referred the bill (S. 545), entitled "A bill appropriating $25,000 in aid of a Volunteer Disabled Soldiers' Home in the State of Vermont," have had the same under consideration and report the same back adversely.

This bill received due consideration in connection with the general measure (S. 2116) looking to an annual appropriation of moneys to States for every disabled soldier and sailor in State Homes, which is reported back favorably.

Your committee does not intend, however, to express any opinion at this time as to the obligation resting upon the Federal Government to reimburse States that have expended money to erect State Homes, nor aid them to construct such Homes in future. Many States have expended large sums of money for buildings and for lands in aid of disabled veterans, and the question of reimbursement or aid in that direction should, in the opinion of your committee, embrace all the States, if such legislation is deemed advisable. Your committee beg leave to quote from a recent letter of General W. B. Franklin the following:

> Some legislation is necessary in the direction of increasing the number of the branches of the National Homes, or in giving national aid to State Homes, with such restrictions as to the expenditures of the money as may be found to be proper. But the legislation should not be confined to a Home in one State. It should be general and apply to all of the State Homes, and there are now many of them. It seems to me therefore that legislation giving money to one State Home is objectionable, considering the large number of State Homes that have been long established and supported at the cost of the various States which have hitherto received no help from Congress.

Your committee would also call attention to the fact that a measure (S. 2116) designed to aid State Homes is this day favorably reported by this committee.

All of which is respectfully submitted.

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# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2356.]

*The Committee on Pensions, to whom was referred the bill (S. 2356) to provide a pension for Mrs. Adeline Couzins, have examined the same and report:*

The beneficiary of the bill under consideration was among the first of the noble women who left homes of refinement and ease to minister to the wants of the wounded and dying during the late civil war. Foreseeing the desperate character of the conflict, Mrs. Couzins volunteered her services as nurse as early as April, 1861. When the news came to Saint Louis of the disastrous battle of Wilson's Creek, at which Lyon fell, she was the first to meet the retreating army and minister to the wounded where they were found, shelterless or in camp, with hospital stores and clothing which she had herself, in part, collected.

Afterwards, until the close of the war, recognized by the Sanitary Commission, and, acting under its direction, she continued her labors throughout the West and Southwest—labors which, gratuitously rendered, were priceless in value, and portrayed an equal heroism to that shown on any field of conflict. Her charity was as broad as it was self-sacrificing; for the Union soldier, the Confederate, and the refugee, when suffering, were one in her attention and regard. Her services are certified to by the Hon. James E. Yeatman, of Saint Louis, late president of the Western Sanitary Commission, who, under date of February 7, 1888, writes as follows to the Hon. Thomas W. Palmer, of the Senate:

It is with very great pleasure that, as president of the Western Sanitary Commission, I bear testimony to the great and valuable services rendered by Mrs. Adeline Couzins during the war, both in the field and in hospitals, and on our transport boats bearing the sick and wounded from the various battle-fields. Among the first of the noble women to volunteer their services as nurse was Mrs. Couzins, and she was ever ready throughout the whole period of the war, night and day, through the heat of summer and the cold of winter, to go wherever her services were needed; in camp among the sick, to the battle-field, in the hospitals, on the river transports; anywhere and everywhere the sick, wounded, and dying needed her ministering services. She also nursed and served the refugees who were driven from their homes, and who sought refuge in our city and were placed by the Government under the charge of the Sanitary Commission.

Mrs. Couzins' efforts were not spasmodic; she worked steadily. When not in the field she was looking after the sick in our hospitals. Her attention was not alone given to the sick and wounded Union soldiers. The sick and wounded prisoners who were sent to our city in large numbers claimed her attention and care. I presume there was not a day from the arrival of our first wounded from the battle of Wilson's

Creek to the close of the war that Mrs. Couzins was not engaged in the service of mercy and patriotism. I can truly say from my personal knowledge that there was no regular paid nurse who rendered greater or more varied service than this noble and patriotic woman. She never received anything or asked for any compensation for her valuable services.

If there is any one deserving of recognition for services rendered it is Mrs. Couzins, and I hope Congress will recognize these services, of which she stands greatly in need in her old age. She is infirm and a sufferer, and I doubt not from exposure and other causes connected with the war.

With the sincere hope that Congress will pass a special bill granting a pension to Mrs. Adeline Couzins commensurate with the services rendered by her for a period of more than three years, I remain,

Very respectfully,

JAMES E. YEATMAN,
*President of the Western Sanitary Commission.*

Testimony to the same purport from others in position to know of the extent and character of the services performed by this devoted woman during the war is in the hands of the committee, but these services were so well known and appreciated that it is not considered necessary to multiply the evidence here. The sacrifices and suffering endured by Mrs. Couzins were not confined to expenditures of time and money, nor to the inroads upon her health consequent upon her years of labor and exposure. At the first battle of Vicksburg, while employed in her work of mercy, she was struck in her knee by a spent ball from the enemy's breastworks, which, while it did not at the time prevent her ministrations to the wounded on the field, has since been a source of pain and disability, and she carries still the wound which is the badge of her devoted patriotism and philanthropy. In her old age she is bereft of the fortune out of which, twenty-five years ago, she lavishly spent in the cause of mercy and humanity.

It is proposed by the bill under consideration that the Government shall contribute towards securing her remaining days from want. The committee report the bill favorably and recommend its passage.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 757.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1935.]

*The Committee on Pensions, to whom was referred a bill (S. 1935) for the relief of Andrew T. McReynolds, have examined the same, and report:*

The preamble of the bill under consideration succinctly states the ground of the claim for the restoration of the pension which was withheld more than three years, or while the pensioner was commissioned in the service during the late civil war.

Andrew T. McReynolds was captain of Company K, Third United States Dragoons, during the Mexican war, and while acting in squadron with the late Phil. Kearny, in a charge at the gates of Mexico, was wounded by a grape-shot, and so disabled that he was pensioned therefor at $25 a month. This pension he received up to June, 1861, when he took command of the First New York (Lincoln) Cavalry. He remained colonel of this regiment until his honorable discharge in August, 1864, during which period his Mexican pension was stopped. The bill is for its restoration.

The man who was so badly wounded in one war that he was considered to be entitled to a pension of $25 a month, and who on the breaking out of the rebellion showed such alacrity of patriotism that he volunteered and served as colonel of the first cavalry regiment organized for its suppression, should not be forced by the Government to pay a penalty to the Government for his loyalty and his heroism in its defense. The pay which he received during the rebellion was for service rendered therein, and was not, and should not be held as, commutation for wounds and disabilities endured as the heritage of gallantry displayed at the gates of an enemy's capital a generation before.

The committee recommend the passage of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 758.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 459.]

*The Committee on Pensions, to whom was referred the bill (H. R. 459) granting a pension to Elvira Cooper, have examined the same and report:*

Your committee have considered the facts in this case, which are correctly set forth in the annexed report of the House Committee, and concur in the conclusion reached by them, recommending the passage of the bill.

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That Eugene H. Cooper was born August 5, 1846. His father died in June, 1851; his mother died August, 1855; one month thereafter he was adopted by his uncle, George W. Cooper, and Elvira Cooper, the wife of the said George W. Cooper.

Eugene H. enlisted in Company G, One hundred and forty-second Regiment New York Volunteers, in April, 1864, with said foster-father's consent. Said soldier was wounded at Petersburgh, Va., July 26, 1864, receiving a gunshot wound in the left thigh; was sent to Hampton Hospital; thence to White Hall Hospital, Pennsylvania; was in hospital three weeks, and, after a furlough, returned to White Hall Hospital.

Joined his regiment December 31, 1864, two days before it started for the second attack on Fort Fisher. He was wounded in the head at Fort Fisher, January 15, 1865, and was sent to Hampton Hospital. He was promoted to corporal for volunteering to cut the palisading at Fort Fisher. Said One hundred and forty-second Regiment was mustered out in June, 1865, and the soldier was transferred to the One hundred and sixty-ninth New York. He died of typhoid fever July 16, 1865, while in the service and while in the hospital at Raleigh, N. C., and was buried in the national cemetery there.

The foster-father, George W. Cooper, died in 1872 (leaving no property and one feeble daughter), since which time the foster-mother, Elvira Cooper, has been dependent upon friends (who are not relatives), and has lived upon charity, except the very meager earnings of said daughter.

In the opinion of your committee the valuable service of this soldier, the wounds he received, the fact of his dying while in the line of his duty, and the dependent condition of the foster-mother entitle her to the same pension that she would have received had the said soldier been her son.

Your committe therefore recommend the passage of this bill.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 759.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 3183.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3183) granting a pension to Kelsey Curtiss, have examined the same and report:*

Your committee concur with the Committee on Invalid Pensions of the House, and recommend the passage of this bill. The grounds on which this action is based are set out in the following report of that committee:

The claimant in this case was private in Company H, Fourteenth Illinois Cavalry, enlisting March 17, 1865, and was discharged on the 31st of July, 1865. In his application for a pension he alleges that he incurred rupture of the left side caused by heavy lifting in loading rations. The claim was rejected on the ground that the evidence now on file does not establish title to pension on account of cause alleged. There seems to be no hospital record in this case, and claimant declares inability to furnish medical testimony on account of the death of his family physician.

Peter Brant and Andrew Samuelson both testify positively that claimant was sound at time of enlistment. The latter says that he went into the Army with claimant, was with him in the room when they were examined, and that claimant was pronounced sound by the examining surgeon, and that no rupture of the left side existed at that time.

Charles W. Munn, orderly sergeant of the company, testifies that about July 10, 1865, he made a detail to go to Pulaski to help load rations; that Kelsey Curtiss was one of the men detailed, and that while loading rations he hurt himself and returned to camp very sick.

"Told me that he had hurt himself very badly and was suffering very much from pain in the lower part of the bowels; he requested me to go to the surgeon and get him something to relieve him. I went and saw Dr. Wilkins; he gave me medicine which I delivered to Curtiss. After that Curtiss was not able to do duty until the time he was mustered out, which was the 30th of July; this was the last time I saw him, and know nothing from that time."

Darling Welsh and Henry C. Chase testify to an intimate acquaintance with Curtiss before and after his enlistment, and that at the time of his return from the Army he was suffering with rupture.

Dr. R. O. Craig testifies that he became acquainted with claimant in 1869, and found him then totally unfitted for manual labor.

The examining surgeon at Waseca, Minn., in 1881, describes the disability particularly, and rates him at one-half total.

The witnesses in this case seem to be reliable, and nothing appears in the papers to cast any doubt upon any of the evidence.

Your committee feel that there can be little doubt that the disability was incurred in the service and in the line of duty, and that the soldier ought to be placed upon the pension roll.

They therefore report favorably and recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 760.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 6908.]

*The Committee on Pensions, to whom was referred the bill (H. R. 6908) granting a pension to William P. Witt, have examined the same and report:*

The facts in this case are correctly set out in the report of the House Committee, which is hereto appended. Your committee concur in the conclusion therein reached, and recommend the passage of the bill.

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Claimant enlisted July 13, 1864, as sergeant of Company B, Seventeenth Regiment of Kansas Volunteers, for the term of one hundred days. Claim for pension rejected in the Pension Office because of claimant's inability to prove origin and connect present disability with service.

Claimant states that he was taken sick at Camp Curtis, near Leavenworth, Kans., with camp diarrhea. Two of his comrades testify to his sickness at Camp Curtis, and the physician who was called to treat him immediately on his return from the service states that he (claimant) was seized with liver complaint and yellow jaundice, with finally rheumatism supervening, and had quite a protracted and serious confinement for six weeks or more.

The board of examining surgeons at Saint Joseph, Mo., under date of July 9, 1884, report claimant entitled to one-half rate of pension.

Your committee are of the opinion that soldier contracted the disease from which he now suffers while in the service of the United States and in the line of duty. He is clearly entitled to a pension, and we therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 761.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 2177.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2177) granting a pension to Mahala Robbins, have examined the same, and report:*

Your committee concur with the report of the House committee, appended hereto, and recommend the passage of the bill.

### HOUSE REPORT.

Mahala Robbins is the mother of Caleb Hamone, otherwise known as Caleb Hammond, who was a private in Company H, Fifty-sixth Regiment of United States Colored Troops. Both mother and son were slaves. The son enlisted in said company and regiment June 18, 1863, he then being about nineteen years of age. He died in the service, at Jefferson Barracks, Mo., of cholera, August 17, 1866, unmarried, and leaving no children.

The application of the mother for pension was rejected on the ground "that the evidence is insufficient to show that the soldier contributed to or recognized his obligations to aid in the support of the claimant;" and the question therefore in the case is as to the dependence of the mother.

It appears from the evidence that, prior to the soldier's enlistment, both the mother and the son lived with and labored for their "master," who received the results of their labor and earnings; that after the son's enlistment his mother apparently continued to maintain substantially the same relations with her master as previously; that she actually received no contributions towards her support from her said son, though he wrote her from the Army three letters, one of which is on file in the case, the others (as testified by claimant) having been destroyed—one, she thinks, by her master, and the other by herself so that her "master would not get to see it."

In the letter on file, dated in June, 1864, the soldier addresses claimant as "dear mother," and subscribes himself "your dutiful son;" writes of his desire for a furlough "to come home," and of the pay of colored soldiers being raised to the same as the pay of the white soldiers.

The claim was referred to a special examiner of the Pension Office, in 1887, by whom the depositions of claimant and other witnesses were taken, and an examination of facts made.

He reported the claimant to be "quite feeble in both mind and body, and is of good repute for truth, as far as her memory serves her," and expressed his belief that the claim was meritorious.

In her testimony before the special examiner she says: "Caleb said in one letter to me that he would send me money, but he was afraid that I would not get it. He was afraid that our master would get the money;" also that "my boy always said that he would come home and help to take care of me after the war, and I believe he would do so, too, for he was such a good boy to me." Arge Washington, a policeman in the

city of Keokuk, Iowa, whose good reputation is certified to by said examiner, who was acquainted with the soldier in the service, testified that at Helena, Ark., in 1864, the soldier told him "that he had sent his mother some money."

The claimant is upwards of ninety years of age, very poor and feeble, and utterly dependent upon others for her support. The soldier was her only son, to whom she may well have looked, as she did, for support in her old age. Your committee think the fact of dependence sufficiently established to justify the granting of pension, and recommend the passage of the bill, with an amendment striking out "Harmon," in the line 5 of the bill, and inserting in place thereof "Hamone; otherwise known as Caleb Hammond."

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 762.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 499.]

*The Committee on Pensions, to whom was referred the bill (H. R. 499) granting a pension to Catharine Maxwell, have examined the same and report:*

Your committee consider this claimant an exceptionally worthy object of special legislation, and recommend the passage of the bill.

The grounds on which this conclusion is based are set forth in the following report of the House committee:

The claimant, Catharine Maxwell, mother of Charles Maxwell, late of Company B, Ninety-seventh Ohio Volunteer Infantry, who died in the service at Nashville, Tenn., in the month of February, 1863, is now seventy-five years of age, and her husband is eighty-one years of age. The evidence shows that this was the only son of the claimant; that he was a strong, healthy, industrious young man, and worked with and for his parents up to the time when he entered the service at twenty years of age; that he never married, and hence left no wife or children; that while in the service he sent his money home to his parents, and that he died from a disease contracted in the service.

The evidence shows the high character of the parents and the soldier, and the only reason why the mother was not pensioned is the fact that Mr. Maxwell owned at the time of the soldier's death 80 acres of poor land, variously valued from $765 to $1,520, and personal property valued from $263 to $342; and that the aggregate amount of the property of the family in 1863, at the time of the son's death, was $1,107, and the year before it was $1,028. There is abundant proof that this land is very poor, and that with the son's aid and the work which his father and mother could do they eked out a very scanty living, even by hard work and the most rigid economy. The evidence shows that the old people are no longer able to do much work, and that this piece of land will not furnish them any kind of comfortable support.

In view of the great age of the parents and their indigent circumstances, and in view of the fact that they gave their only son to their country, and have no other means of support than the property named, we recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 763.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 5911.]

*The Committee on Pensions, to whom was referred the bill (H. R. 5911) granting a pension to Elizabeth J. Hascall, have examined the same, and report:*

Elizabeth J. Hascall is the widow of Bailey Hascall, late acting assistant paymaster, U. S. Navy, who died March 10, 1887, of disease of lungs. He was pensioned under the provisions of a special act, approved June 24, 1886, for rheumatism, fistula in ano, and disease of lungs, at the rate of $30 per month.

This claim was rejected by the Pension Office on the ground that there was not sufficient evidence to meet the technical requirement as to connecting the fatal disease with the service. The Commissioner of Pensions, however, in a letter to the chairman of the House committee, dated April 1, 1886, recognized the diseases under which Paymaster Hascall was then suffering as a reasonable consequence of his unusual exposure in the service, and recommended that a pension be allowed him by special act. This was done by a bill which passed during the last Congress.

The merits of the claim of the officer having been fully determined by the last Congress, after a careful consideration of the evidence presented and the recommendations made by the Commissioner of Pensions, your committee, in view of the further fact that said officer died of one of the disabilities thus recognized as chargeable to his service in the Navy of the United States, unhesitatingly report favorably on the accompanying bill for the relief of his widow, and ask that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 764.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 407.]

*The Committee on Pensions, to whom was referred the bill (H. R. 407) granting a pension to George W. Burkhart, have examined the same, and report:*

This claim was rejected by the Pension Office on the ground that the injuries for which the pension was claimed were not received in the line of duty. Burkhart had been granted a six days' leave of absence, to end January 4, 1864, at which time he was to report for duty at Cincinnati, Ohio. On his way to Cincinnati he was severely injured in a railroad collision at Dayton, Ohio, on January 5, 1864, one day after his leave had expired. He was seriously bruised, had his left arm broken and right leg broken, and from these injuries he suffers to the present day, his use of both limbs being greatly impaired.

The reason why he was one day late returning to duty was that the trains did not connect, he being on his way in full time to catch them if they had been on time.

He was undoubtedly doing his best to perform his duty, and the committee recommend that the bill pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 765.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 5228.]

*The Committee on Pensions, to whom was referred the bill (H. R. 5228) granting a pension to Clara M. Flanders, have examined the same and report:*

Your committee find that the facts in this case are correctly recited in the following report of the House committee, which is adopted as their report, with the recommendation that the bill do pass.

## HOUSE REPORT.

Francis C. Flanders enlisted in Company D, Seventeenth Massachusetts Volunteers, July 12, 1861, and was discharged September 6, 1861, by reason of inflammatory rheumatism. He re-enlisted March 7, 1862, in Company M, First Massachusetts Heavy Artillery, and was discharged February 9, 1863, for chronic rheumatism and disease of heart. On June 7, 1864, he again enlisted in the Veteran Reserve Corps, from which he was discharged May 22, 1865.

Soldier applied for a pension, alleging rheumatism and disease of the heart, caused by taking cold while on guard. The claim was rejected on the ground that disability existed prior to enlistment, which opinion was given by the surgeon of the regiment from which soldier was discharged in 1863. How the surgeon of this regiment could have known that fact, considering the circumstance that soldier had performed military duty almost two years before this time, does not appear. An appeal was taken to the Secretary of the Interior, but the findings of the Pension Office were affirmed.

When soldier was discharged from the Veteran Reserve Corps the surgeon certified that he had chronic rheumatism, with little use of his arms and general impairment of his health, and that he contracted the disabilities after enlistment and in the line of duty.

In 1880 the Department secured an opinion from a medical examining board at Chillicothe, Ohio, that soldier was suffering from syphilis, and this evidently entered into the rejection. It is not shown, however, that syphilis, if it existed, was contracted prior to his final discharge from the Army, while it is conclusively shown that soldier had severe rheumatism and heart trouble while in the service. It is also a significant fact that no physician or medical board, other than the one named, either before or after the date of this examination, suggested anything about syphilis. In denying the fact that he was physically unsound when he entered the Army, unless there was some latent disease in the system, soldier says:

"I was to all appearances a well man, and passed the doctors as such. I counted one on the quota of the town. I counted one in the ranks. I was one man to do guard duty. I was one man to be shot at in battle. I was one to take my chances with the malignant diseases of the Southern clime, from which I have been a sufferer for nineteen years."

On May 17, 1882, two years after the board at Chillicothe found syphilis in the case, the soldier was examined by the full board in Manchester, N. H., composed of three distinguished medical men, *and they make no suggestion* that there is even a syphi-

litic taint in the case. They do say, however, that in their opinion the d'seases for which the soldier asked a pension were contracted in the Army. They found his condition to be as follows:

"Has aortic and mitral regurgitation; right hand very much distorted and crippled by rheumatism; fingers of left hand deflected to ulnar side; rotation of right fore-arm impaired; joints generally stiffened; right foot affected, the toes very much distorted; left foot also affected; walks with difficulty, using a cane. Would rate for rheumatism at total second grade and would rate for heart disease at total second grade, either of these disabilities incapacitating him for manual labor."

Dr. W. S. Collins, who attended soldier at time of his death, deposes as follows:

"I have been acquainted with soldier for four years; have attended him professionally during that period of time; and I further state that he has been almost constantly under treatment and totally unable to perform any manual labor. His sufferings were often intense, resulting from attacks of neuralgia and acute rheumatic carditis."

While it cannot be definitely proven that soldier's death was directly due to his Army service, there is certainly strong presumptive proof that such was the fact, the medical examining board giving that opinion; and as the pension, if granted, will go to the widow, who is struggling to support herself, your committee report the bill back with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 766.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 5236.]

*The Committee on Pensions, to whom was referred the bill (H. R. 5236) granting a pension to Mary K. Taylor, have examined the same, and report:*

The grounds upon which this application is based are set forth in the following report of the House committee. The passage of the bill is recommended.

### HOUSE REPORT.

Mrs. Taylor is the widow of Brig. Gen. George W. Taylor, who died September 1, 1862, from the effects of wounds received at the battle of Manassas, Va., August 27, 1862, while undergoing amputation of the wounded leg. She is now a pensioner at $30 per month, under the provisions of the general law, and asks that her pension be increased to $50 per month. Her age is shown to be seventy-four years.

As Congress has in similar cases increased the pension of the widows of general officers to the amount asked for in this bill, your committee are of the opinion that Mrs. Taylor's pension should likewise be increased, and therefore report favorably on the bill and ask that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 767.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2520.]

*The Committee on Pensions, to whom was referred the petition of James White for a pension, have examined the same, and report:*

That the petitioner enlisted in May, 1861, as a fifer in Company K, in the Second Regiment Iowa Volunteer Infantry, in which he served until August, 1862, when, being honorably discharged, he afterwards enlisted as bugler in the Seventh Regiment Iowa Cavalry, serving from March, 1863, until May, 1866, whence, being honorably discharged, he again, on the 7th day of December, 1866, enlisted for five years in the regular Army of the United States, and served until April 20, 1869, in Company H, Fifth Regiment United States Cavalry, at which last date he was honorably discharged, upon surgeon's certificate of disability.

That at the time of his last discharge he was suffering from rheumatism and disease of the eyes. He was placed upon the pension list and was paid a pension for disability incurred by reason of his military service under certificate No. 128756, from 1867 to 1874, at which last date he was dropped from the roll upon the ground of no present disability at that time, as reported by an examining surgeon. Whatever may have been the fact then we think it very clear that the disability exists now, and, judging from the age and general physical condition of the claimant as shown by the evidence, will continue to be permanent.

Dr. P. G. Rockwell, examining surgeon, under date of April 12, 1883, testifies that the claimant was suffering from enlargement of joints, general debility, and muscular weakness occasioned by rheumatism. Under date of June 4, 1887, E. C. Goodrich, another examining surgeon, certifies that he is suffering from disease of the eyes rated at one-quarter, and rheumatism rated at one-quarter, making one-half disability. Dr. Amory Coffin, under date of February, 1883, swears that he is suffering from same diseases above and rates his disability at one-half.

His neighbors, James Anderson, T. A. Givens, W. H. Harbers, and Henry Hahn, testify to an acquaintance with him for twelve years; that he suffers from rheumatism and disease of the eyes so as to be partially disabled from the performance of manual labor. Their evidence covers a period extending from February, 1883, to July, 1887.

We are of the opinion that the applicant ought to be restored to the roll, and that at the rate of $4 per month, and do report and recommend the passage of a bill herewith returned for that purpose.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 768.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1126.]

*The Committee on Pensions, to whom was referred the bill (S. 1126) granting a pension to Francis M. Yearian, have examined the same, and report:*

That the claimant enlisted on May 18, 1861, in Company A, Eighteenth Regiment Illinois Volunteer Infantry, and was discharged June 10, 1864. He re-enlisted in August, 1864, in Company F, Thirteenth Illinois Volunteer Cavalry, and was discharged in September, 1865.

His claim for pension is based upon heart disease resulting from an injury received by him while unloading a cask of bacon from a boat, the same falling upon him and bruising him. This occurred April 20, 1863, at Little Rock, Ark. He was taken to the hospital for treatment, the injury having occurred during his service and in the line of duty. He has been examined since his discharge twice, in 1881 and 1883, and reported on both occasions to have heart and lung trouble and to be incapacitated for manual labor. We think the weight of evidence proves the fact that his diseases are the resulting effects of the injury he received while in the service.

Your committee therefore recommend the passage of the bill.



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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 769.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2129.]

*The Committee on Pensions, to whom was referred the bill (S. 2129) granting an increase of pension to Mary M. Gibson, have examined the same, and report:*

The applicant is the widow of William Gibson, late a commander in the United States Navy. She is now drawing a pension of $30 per month since the death of her husband, which occurred October 23, 1887. Such is the amount provided by the general law in such cases. The deceased officer seems to have been appointed midshipman February 11, 1841, and to have been promoted by gradual steps until March 5, 1879, when he reached the grade of commander.

During this long service, although it seems he was advanced and deservedly promoted, yet the progress was so slow, that at the death of her husband, after twenty-nine years actual service, she is left with only $30, the pension of a commander. The husband served in the Mexican war, being closely engaged in the *Reefer* with the batteries and troops of the enemy in the two attacks upon Alvarado by our forces, and being present also with his vessel at Tobasco. In 1849, while serving on the *Ewing*, in the coast survey in California waters, he was assaulted by a mutinous crew, rescued from drowning, and thanked by his superior officer for "characteristic gallantry." He was complimented by Admiral Rodgers, commanding the squadron in the sea of Japan in 1854–'55, "for zeal, energy, and the courage with which he endured the hardships of a dangerous cruise."

During the war of the rebellion he commanded U. S. war-steamer *Yankee*, of the Potomac flotilla. He was present during all the operations upon the James River during the campaign of General McClellan against Richmond, and was thanked for his services by Commadore Wilkes upon capturing several vessels of the enemy. He was engaged in three attacks against Fort McAllister, and was mentioned by Admiral Dupont in his dispatches for his "great spirit and vigilance."

He was engaged against the Confederate batteries at Charleston, was officially commended by Admirals Dahlgren and Rowan, and was thanked by Major-General Newton "for able co-operation with the land forces" in the expedition against Saint Mark's.

In October, 1866, he rode out a hurricane near the Bahamas, and was thanked by the British Government for aid rendered those islands after the catastrophe.

We think such a record demands special consideration. He seems to have been exceedingly deserving of the rank at least of a commodore—never attained—doubtless prevented by some "rules of the service."

The widow, allowed now $30, asks an increase to $50 per month.

In distinct recognition of her husband's long and faithful service we recommend passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 770.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1906.]

*The Committee on Pensions, to whom was referred the bill (S. 1906) granting a pension to Matilda Bleumner, have examined the same and report:*

The claimant is the mother of Charles Bleumner, who was a private in Company K, Eighth Regiment of Kansas Volunteer Infantry, in the war of the rebellion. He enlisted at Saint Louis, Mo., October 2, 1861, and served until February 12, 1864, when he died at Danville, Va.

The soldier was at the battle of Chickamauga, and after the engagement is charged with deserting at Chattanooga, Tenn. This charge of desertion, as appears from the records of the Adjutant-General's Office, was afterwards removed, we must presume for good reasons. The soldier was then, October 20, 1863, captured at Philadelphia, Tenn.; taken as a prisoner of war first to Richmond, then to Danville, Va., where he died at the time above stated, while yet a prisoner. The circumstances of his capture are not shown; but nothing being proven to the contrary, we necessarily conclude that he was taken in the line of his duty while in service. The enemy treated him as a prisoner of war; that is, as one taken in arms against them. We must, therefore, deem him to have been so taken as belonging to and engaged with the military forces of the United States at the time of his capture, imprisonment, and death.

The evidence shows that the soldier died unmarried, never having been married; that his father died before the war; that he lived with the claimant, his mother, before and up to the time of his enlistment, and that he contributed to her support and maintenance both before and after the date of his enlistment. The claimant is eighty years old, in very poor and dependent circumstances.

We think the claim meritorious, and recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 771.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1552.]

*The Committee on Pensions, to whom was referred the bill (S. 1552) granting an increase of pension to Oscar K. Rogers, have examined the same, and report:*

The applicant was second lieutenant in Company B, Twenty-eighth Regiment, Michigan Volunteer Infantry, war of 1861. He is now drawing a pension under certificate 152068, at the rate of $30 per month, upon account of disability incurred from effects of typhoid fever from which he suffered while in the service.

The medical and lay testimony as to his condition covers a period from 1876 to 1885.

His last examination, February 19, 1885, shows him to be "incapacitated for the performance of any manual labor." He has trouble in the kidneys, occasioning use of the catheter, and frequently the attendance of a third person. He was obliged by his pains and debility to abandon even very light employment in the Senate Folding Room. These effects are clearly traceable to the attack of fever during his military service. We think the increase asked, to the rate of $50 per month, ought to be allowed, and recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 772.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1762.]

*The Committee on Pensions, to whom was referred the bill (S. 1762) granting a pension to Benjamin A. Burtram, have examined the same and report:*

The claimant was a private in Company A, Ninth Regiment Kentucky Volunteer Infantry, and served as such from November 26, 1861, to July 26, 1862. His claim is founded upon hernia and sciatic disease of left hip and side, incurred during his military service.

The testimony shows that he was, and had been, prior to his enlistment and service in the Army, a sound, strong, healthy man, capable of doing all the ordinary labor in his vocation, that of farmer. The medical and non-medical testimony of disinterested witnesses on file abundantly shows that he is now laboring under the two diseases above named, and that the hernia, which is large and painful when reduced, disables him from the performance of manual labor almost totally. That is his present condition.

It is objected to the claim that although his record shows hospital treatment, it is not stated therein that he was treated for the diseases specified above, nor is it shown for what he was treated. We think, however, that the evidence of his comrades on file is sufficient to supply the deficiency of the record in this respect.

Two of his comrades, Marsh and Bertram, testify positively that they were present when the hernia and rupture occurred, and particularly describe the place, time, and occasion of its occurrence as being in camp at Columbia, Ky., while the soldier was engaged in lifting and unloading for removal arms in boxes under orders of those in command. They describe with the same particularity the attack of sciatic pains in side and hip.

His near neighbors swear that when he returned from the Army after his discharge he was suffering from rupture; that they saw it, and knew of it from working with him.

We are of the opinion that the claim is well founded, and recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 773.

IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1383.]

*The Committee on Pensions, to whom was referred the bill (S. 1383) granting a pension to Isabella W. Addadell, have examined the same, and report:*

The applicant is the widow of John F. Addadell, of Company B, Second Regiment of Kansas Cavalry, in the war of 1861.

The husband was a pensioner at the time of his death, rated at $20 per month, on account of gunshot wound in thigh. He does not appear to have been disabled from manual labor. He died at Chester, Ill., where he was employed as a guard in the prison at that place, on the 29th day of March, 1885.

There is nothing in the evidence to show that his death was in any manner due to the wound for which he had been pensioned. The Commissioner of Pensions, in his letter of March 17, 1888, states that the application is yet pending in his office, awaiting evidence of the marriage of petitioner and the soldier, her continued widowhood, and of the circumstances attending his death. This evidence is not yet furnished. Under these circumstances we do not think legislation at this time necessary or expedient.

We recommend indefinite postponement of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 774.

# IN THE SENATE OF THE UNITED STATES.

MARCH 27, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1761.]

*The Committee on Pensions, to whom was referred the bill (S. 1761) granting an increase of pension to Isaac M. Johnson, have examined the same, and report:*

The claimant is now receiving pension per certificate 193017 of $2 per month for total deafness of one ear, $3 per month for lumbago; in all $5. The Commissioner of Pensions says in his letter to the chairman of this committee, of date March 9, 1888, that upon return of the case to Bureau, upon a very recent ruling of November 15, 1887, the applicant will be entitled to and will be granted $4 per month upon his total deafness of right ear. This will make his pension under the present law $7 per month from last-named date at least.

We are not prepared to say that more of increase ought in this particular case to be granted. The Senate very recently passed a bill increasing the rate for total deafness of both ears to $30 per month, and rating proportionately deafness of one ear.

Under this general bill the claimant will be entitled to one-half of $30 for total deafness of right ear, and we think it better he should avail himself of these provisions of a general law than that there should at this time be special legislation herein.

It is recommended accordingly that the bill be indefinitely postponed.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 775.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 5639.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 5639) providing for the erection of a fire-proof workshop at the National Armory at Springfield, Mass., makes the following report:

The necessity for the erection of a fire-proof workshop at the National Armory is fully disclosed in the letter of the Secretary of War inclosing a copy of a report on the subject from the Chief of Ordnance, which letter and report are annexed to and made a part of this report.

Your committee concur in said report, and recommend the passage of the accompanying bill.

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WAR DEPARTMENT,
*Washington City, January 26, 1888.*

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, requesting that a report be made on House bill 5639, Fiftieth Congress, first session, to provide for erection of a fire-proof workshop at the National Armory, Springfield, Mass. In reply I beg to inclose a copy of a report on the subject, dated the 24th instant, from the Chief of Ordnance, who submits an estimate and drawing for a new building at the National Armory for stocking and carpenter shops, and recommends an appropriation of $75,000 for the purpose.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. SAMUEL DIBBLE,
*Chairman Committee on Public Buildings and Grounds,*
*House of Representatives.*

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ORDNANCE OFFICE,
*Washington, January 24, 1888.*

Respectfully returned to the Secretary of War, with an estimate and drawings for a new building at the National Armory, Springfield, Mass., for stocking and carpenter shops.

The old shops used for these purposes are an addition to the original machine-shop built nearly fifty years ago, and from the nature of the wood-work carried on in them, are a menance to the whole structure. The erection of a fire-proof building is, therefore, not only a necessity, but is demanded by the advance made in all departments of labor since these old buildings were put up. Modern ideas require more room, more light, more conveniences for workmen, more facilities for handling material, more security for fine machinery, more economy of space in the arrangement of shops and their connection with each other. The old shops are worn out, are of the cheapest order of work buildings, and not a credit to the United States. These buildings have served their time and should be followed by workshops such as are to be found in all our manufacturing centers. This appropriation of $75,000 is therefore recommended.

The aggregate is made up as follows:

| | |
|---|---|
| Masonry work | $29,000 |
| Iron work | 32,000 |
| Wood work | 9,700 |
| Glass and glazing | 700 |
| Paints and painting | 200 |
| Roofing | 3,000 |
| Drains and pavements | 400 |
| Total | 75,000 |

S. V. BENÉT,
*Brigadier-General, Chief of Ordnance.*

The Committee on Military Affairs adopt the above report, and they recommend the passage of House bill 5639, hereby reported back to the Senate.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 776.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1911.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1911) for the relief of Stephen O'Connor, having considered the same, report as follows:*

This committee have considered this case several times before, and at the last session of Congress made the following report on it, prepared by Mr. Manderson:

The Committee on Military Affairs, to whom was referred H. R. 798, "for the relief of Stephen O'Connor," report the same back, with the recommendation that it do not pass. This officer was fairly tried by a court-martial, and was dismissed from the service of the United States. After some time he was appointed to a second lieutenancy in the Army, and as such assigned to the regiment in which he was at one time an officer. He now stands as the junior first lieutenant of the Twenty-third Regiment of Infantry. To grant him the relief provided in this bill would place him far in advance of other first lieutenants who are without any stain whatever upon their record, and would, as it seems to your committee, be an act of gross injustice to them.

At the present session they have given the case a thorough and patient re-examination. They referred the bill to the Secretary of War and append hereto his communication on the subject and the House Report No. 3162, Forty-ninth Congress, first session, in which he says the facts of record in this case are printed in full.

After duly considering these facts, in connection with the statements and papers submitted by Lieutenant O'Connor, your committee adhere to the conclusion reached by them at the last session. They adopt their report then made, which is set out above, and recommend that the bill be indefinitely postponed.

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WAR DEPARTMENT,
*Washington City, March 2, 1888.*

SIR: In response to your request of the 24th ultimo, for information on Senate bill 1911, Fiftieth Congress, first session, to authorize the appointment of First Lieutenant Stephen O'Connor, Twenty-third United States Infantry, to date from January 4, 1869, I have the honor to advise you that the facts of record in this case were furnished in response to a former call and are printed in House Report No. 3162, Forty-ninth Congress, first session.

It is proper to add that the Senate Committee on Military Affairs reported adversely on a bill similar to the one transmitted by you. See Senate Report No. 1946, Forty-ninth Congress, second session.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. JOSEPH R. HAWLEY,
*Chairman Committee on Military Affairs,*
*United States Senate.*

[House Report No. 3162, Forty-ninth Congress, first session.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 798) for the relief of Stephen O'Connor, having had the same under consideration, beg leave to report:*

That by the action of the President in re-appointing O'Connor to the Army within three months after his dismissal by court-martial he could not have considered his offense a grave one, and thought the sentence of dismissal greater than the charges justified. It is true that, by a protest of the officers of his regiment being sent to the Senate, he was not at once confirmed, and that appointment expired by limitation; but he was subsequently re-appointed, the appointment dating from the date of his prior appointment, and was confirmed, which would indicate that the Senate did not look upon his offense as having been so grave as to have demanded this sentence of dismissal.

If it was right to restore Lieutenant O'Connor to the Army, in the opinion of your committee he should have been restored to the place from which he was dismissed.

Your committee therefore report the bill back, with a favorable recommendation.

In support of these views, we print herewith the military history, report of the Adjutant-General, and copies of documents from the Bureau of Military Justice.

To whom it may concern:

I was born in Syracuse, State of New York, and raised, from youth, in the State of Illinois. Joined the Eighth Infantry, U. S. Army, as an enlisted man, June 21, 1860; crossed the plains same year and served in Arizona, New Mexico, and Texas until May 9, 1861, at which date I was surrendered prisoner of war to the Confederate Earl Van Dorn, by Brevet Lieut. Col. I. V. D. Reeve, captain Eighth Infantry; remained a prisoner of war until December 10, 1862, at which date I escaped from military prison camp, near San Antonio, Tex., and crossed the Rio Grande River at Eagle Pass, 180 miles from San Antonio; and from thence to Monterey, State of New Leon, Mexico, 100 leagues; and from the latter point to Matamoras, Mexico, 100 leagues; and from thence to the mouth of the Rio Grande, 35 miles; making a total march, on foot, of 815 miles. Reached New Orleans by means of United States naval transport, and was forwarded by General Banks to Fort Columbus, New York Harbor, from which point I joined my regiment, in the Army of the Potomac, in May, 1863, with which I served during the Gettysburg campaign. Also served in the city of New York during the riots of 1863. Rejoined the Army of the Potomac in April, 1864, and served in Ninth Army Corps during the Wilderness campaign as color-sergeant of my regiment. Was with the forces in front of Petersburgh until July 9, 1864, at which time re-enlisted in my regiment for a period of three years. On October 9, 1864, my regiment was transferred to the Fifth Corps, General Warren's, and participated in the operations of Poplar Grove Church and Hatcher's Run; remained with the army before Petersburgh until early winter, when my regiment was transferred to Buffalo, N. Y., in anticipation of Confederate invasion from Canada, after which the regiment was ordered to report to General Hancock at Baltimore, Md., where we remained until early in 1866. Subsequently the regiment served in Virginia, North Carolina, and South Carolina during the reconstruction of those States. From August, 1863, until November, 1866, I had passed through the grades of private, corporal, sergeant, and quartermaster-sergeant.

Was examined for promotion and commissioned second lieutenant Eighth Infantry, to date from December 28, 1866, and first lieutenant January 4, 1869. During the Army reduction of 1869 I was placed on unassigned list because of insufficient rank to remain in my regiment.

Served on reconstruction duty in Virginia during the election for the adoption of the new constitution of that State and conveyed the election returns of Clarke County, Virginia, to Richmond.

During August, 1869, was attached to General Stanley's regiment, the Twenty-second Infantry, and served in Dakota Territory until January, 1871, at which time I was permanently assigned to the Twenty-third Infantry. With this regiment I served in Oregon, Washington Territory, California, Arizona, Wyoming Territory, Nebraska, and Kansas, and remained with it until I was dismissed, in March, 1877.

Was appointed second lieutenant Twenty-third Infantry by President Hayes, to date from June 9, 1877, and have served constantly and faithfully since that time in Indian Territory, Kansas, and New Mexico, commanding Indian scout company during the Indian troubles of 1881 on the Mexican border in New Mexico, during which time I was constantly in field along the Chihuahua and Sonora border.

Have been at Fort Mackinac, Michigan, since June, 1884.

STEPHEN O'CONNOR,
*Second Lieutenant Twenty-third Infantry.*

FORT MACKINAC, MICH., *November* 16, 1885.

[General Court-Martial, Orders No. 33.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
*Washington, March* 16, 1877.

I. Before a general court-martial which convened at Fort Leavenworth, Kans., February 8, 1877, pursuant to Special Orders No. 18, dated January 29, and No. 25, dated February 7, 1877, Headquarters Department of the Missouri, Fort Leavenworth, Kans., and of which Col. J. C. Davis, Twenty-third Infantry, is president, was arraigned and tried—

First Lieut. Stephen O'Connor, Twenty-third Infantry.

*Charge*—"Conduct unbecoming an officer and a gentleman."

To which charge and its specifications the accused, First Lieut. Stephen O'Connor, Twenty-third Infantry, pleaded "not guilty."

FINDING.

The court, having maturely considered the evidence adduced, finds the accused, First Lieut. Stephen O'Connor, Twenty-third Infantry, as follows:

Of the first specification, "guilty, excepting the words 'the said shades being the property of said * * *,' and excepting the words 'berate, browbeat, and intimidate the said * * * and,' and excepting the word 'her' where it occurs the last two times and inserting the words 'the said * * *' after the words 'apology from'; of the words so excepted, not guilty."

Of the second specification, "guilty, excepting the words following, in the order in which they respectively occur: 'Maliciously'; 'injure, vilify and'; 'citizens'; 'malicious and'; 'he, the said Lieutenant O'Connor, well knowing the statements contained in said circular to be false'; 'the health of said * * * was seriously affected', and 'much'; of the words so excepted, not guilty."

Of the charge, "guilty."

SENTENCE.

And the court does therefore, in conformity with the Sixty-first Article of War, sentence him, First Lieut. Stephen O'Connor, Twenty-third Infantry, "to be dismissed from the service."

II. In conformity with the One hundred and sixth Article of War, the record of proceedings in the case of First Lieut. Stephen O'Connor, Twenty-third Infantry, has been transmitted to the Secretary of War, and by him submitted to the President, who approves the proceedings, findings, and sentence, and directs the sentence to be duly executed.

III. First Lieut. Stephen O'Connor, Twenty-third Infantry ceases to be an officer of the Army from the date of this order.

By command of General Sherman:

E. D. TOWNSEND,
*Adjutant-General.*

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[General court-martial, Fort Vancouver, Wash. Case tried. First Lieut. Stephen O'Connor, Twenty-third Infantry.]

GENERAL ORDERS, No. 16. } HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
*Portland, Oregon, June* 16, 1871.

I. Before a general court-martial, which convened at Fort Vancouver, Wash., pursuant to paragraph 3, Special Orders No. 74, of June 1, 1871, from these headquarters, and of which Maj. E. H. Ludington, assistant inspector-general, is president, was arraigned and tried:

First Lieut. Stephen O'Connor, Twenty-third Infantry.

CHARGE I.—"Violation of the Sixth Article of War."

*Specification* 1.—"In this, that First Lieut. Stephen O'Connor, Twenty-third United States Infantry, having been directed by his commanding officer, and at the same time the inspecting officer of the battalion, *i. e.*, Maj. Alex. J. Dallas, Twenty-third United States Infantry, to desist from sending from the ranks to the guard-house Private Mayhew S. Hutchinson, Company D, Twenty-third Infantry, did immediately give, without the knowledge of his commanding officer, instructions to his first sergeant to confine the said Private Hutchinson for the same offense, already condoned by his commanding and inspecting officer, at the conclusion of the inspection then proceeding, thereby treating his aforesaid commanding and inspecting officer with contempt and disrespect. All this at or near Fort Vancouver, Wash., on or about the 30th day of April, 1871."

*Specification* 2.—"In this, that the said First Lieut. Stephen O'Connor, Twenty-third Infantry, having been directed by his commanding officer to report in writing for what cause Private Mayhew S. Hutchinson, Company D, Twenty-third Infantry, had been confined in the guard-house immediately after the battalion inspection, did reply thereto, reciting substantially as the cause the same offense which had already been condoned by his commanding and inspecting officer, and did add to his reply the following words, to wit: 'Charges will be preferred against him for this violation of the Forty-fifth Article of War, in order that discipline may be maintained in my company, and also that my authority as commanding officer of the company may not be affected,' these words being contemptuous and disrespectful to the aforesaid commanding officer. All this at or near Fort Vancouver, Wash., on or about the 30th day of April, 1871."

CHARGE II.—"Insubordinate conduct, to the prejudice of good order and military discipline."

*Specification* 1.—"In this, that First Lieut. Stephen O'Connor, Twenty-third United States Infantry, having been directed by his commanding and at the same time inspecting officer of the battalion, *i. e.*, Maj. A. J. Dallas, Twenty-third United States Infantry, to desist from sending from the ranks to the guard-house Private Mayhew S. Hutchinson, Company D, Twenty-third Infantry, did immediately give, without the knowledge of his commanding and inspecting officer, instructions to his first sergeant to confine the said Private Hutchinson for the same offense, already condoned by his commanding and inspecting officer, at the conclusion of the inspection then proceeding, thereby behaving in a highly insubordinate manner, to the prejudice of good order and military discipline. All this at or near Fort Vancouver, Wash., on or about the 30th day of April, 1871."

*Specification* 2.—"In this, that the said First Lieut. Stephen O'Connor, Twenty-third Infantry, having been directed by his commanding officer to report in writing for what cause Private Mayhew S. Hutchinson, Company D, Twenty-third United States Infantry, had been confined in the guard-house immediately after battalion inspection, did reply thereto, reciting substantially as the cause the same offense which had already been condoned by his commanding and inspecting officer, and add to his reply the following words, to wit: 'Charges will be preferred against him for the violation of this Forty-fifth Article of War, in order that discipline may be maintained in my company, and also that my authority as commanding officer of the company may not be affected;' all of which was insubordinate conduct and prejudicial to good order and military discipline. All this at or near Fort Vancouver, Wash., on or about the 30th day of April, 1871."

To which charges and specifications the accused. First Lieut. Stephen O'Connor, Twenty-third Infantry, pleaded "Not guilty."

FINDING.

The court having maturely considered the evidence adduced finds the accused, First Lieut. Stephen O'Connor, Twenty-third Infantry, as follows:

*Charge I.*

Of the first specification, "Not guilty."

Of the second specification, "Guilty, except the words 'reciting substantially as the cause the same offense which had already been condoned by his commanding and inspecting officer' and also except the words 'these words being contemptuous and disrespectful towards the aforesaid commanding officer' and of the excepted words not guilty, and attach no criminality to his action."

Of the charge, "Not guilty."

*Charge II.*

Of first specification, "Not guilty."

Of the second specification, "Guilty, except the words, 'reciting substantially as the cause the same offense which had already been condoned by his commanding and inspecting officer,' and also except the words 'all of which was insubordinate conduct and prejudicial to good order and military discipline,' of the excepted words not guilty, and attach no criminality to his action."

Of the charge, "Not guilty."

And the court does therefore honorably acquit him, First Lieut. Stephen O'Connor, Twenty-third Infantry.

II. The commanding general is unable from the evidence in the case to reach the conclusion that has been reached by the court. The question involved is one of discipline, and its determination is vested by law in the discretion of the commanding

officer. For the proper exercise of this discretion he is responsible to superior authority, but his decision is conclusive upon his subordinates unless and until it be modified or reversed by the same or higher authority.

The remedy for any wrongful exercise of this power is by appeal or by complaint under the Thirty-fourth Article of War, and not by assuming to decide a question the decision of which belongs only to the commanding officer. The qualified finding upon the second specification of the first and second charges is not approved, but Lieutenant O'Connor will be released from arrest and resume his sword. The remainder of the proceedings and findings are approved.

By command of Brigadier-General Canby:

LOUIS V. CAZIARC,
*First Lieutenant Second Artillery, Aid-de-Camp,*
*Acting Assistant Adjutant-General.*

Official:

H. R. ANDERSON,
*Aid-de-Camp.*

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FORT MACKINAC, MICH.,
*November* 2, 1885.

DEAR SIR: In reply to your letter of October 24, 1885, I have to state that I have known your brother, Lieut. Stephen O'Connor, of the Twenty-third Infantry, since 1871, and during that time he has served at posts with me, been in the field with me, and is now and has been serving at this post under my command since June, 1884.

I have always considered him one of the most faithful, reliable, and intelligent officers in the regiment under all circumstances.

Very respectfully,

GEO. K. REAVY,
*Capt. Twenty-third Infantry, Bvt. Lieut. Col., U. S. A., Com'd'g Post.*

Mr. WILLIAM O'CONNOR,
*Norton, Kans.*

ADJUTANT-GENERAL'S OFFICE,
*March* 17, 1886.

SIR: I have the honor to return herewith House bill 798, for the relief of Stephen O'Connor, which was referred to the Department by the chairman of the Committee on Military Affairs, House of Representatives.

The bill authorizes the President to appoint Stephen O'Connor, now second lieutenant in the Twenty-third Infantry, to be a first lieutenant with the date of rank formerly held by him, that is, with rank as first lieutenant from January 4, 1869.

This rank and date would place him at the head of the list of first lieutenants of the regiment. He now stands at the head of the list of second lieutenants of his regiment, first for promotion to first lieutenant.

I inclose herewith a brief statement of the military services of Lieutenant O'Connor, with the order of dismissal, etc., copy of a report of the Judge-Advocate General of the Army, reviewing the facts and circumstances relating to his dismissal, upon which report he was re-appointed to the Army in the grade of second lieutenant; copy of a letter from the chairman of the Senate Military Committee of January 23, 1878, upon the subject of Lieutenant O'Connor's re-appointment, and of the protest of officers of the Twenty-third Infantry, referred to therein, against the appointment, and of the reply of the Secretary of War thereto.

It is believed that these papers will give all material facts touching the merits of the case.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, March* 17, 1886.

*Statement of the military service of Stephen O'Connor, of the United States Army, compiled from the records of this office.*

He served as an enlisted man in the Eighth Infantry from June 21, 1860, to March 26, 1867, when he was discharged by reason of appointment as second lieutenant, Eighth Infantry, to rank from December 28, 1866; was promoted first lieutenant

January 4, 1869; became unassigned May 3, 1869, and was assigned to the Twenty-third Infantry January 1, 1871.

He joined his regiment as an officer April 1, 1867, and served with it in North Carolina and South Carolina to May 13, 1869; was awaiting orders to July 1, 1869; on registering duty in Virginia to July 13, 1869; awaiting orders to July 22, 1869; on duty with Twenty-second Infantry in Dakota to January 30, 1871; joined Twenty-third Infantry February 15, 1871, and served therewith in Washington Territory (being tried by general court-martial; see general court-martial orders No. 16, headquarters Department of the Columbia, June 16, 1871, copy herewith) and in Arizona to August, 1874, and in Wyoming to December 1, 1875; on leave to August 1, 1876; with regiment at Omaha Barracks, Nebraska, to November 18, 1876, and at Fort Leavenworth, Kans., until dismissed from the service March 16, 1877. (See general court-martial orders No. 33, headquarters of the Army, Adjutant-General's Office, 1877, copy herewith.)

He was appointed second lieutenant, Twenty-third Infantry, June 9, 1877, and his appointment expired by constitutional limitation December 3, 1877.

He was re-appointed February 11, 1878, with rank from June 9, 1877.

He joined his company June 24, 1877, and served with it at Fort Leavenworth, Kans., to November 3, 1877, and was on leave until his appointment expired December 3, 1877.* He again joined his regiment February 28, 1878, and served with it in Kansas and Indian Territory to January 2, 1880; was on leave to March 18, 1880; with regiment in Indian Territory, Colorado, and Kansas to October, 1881, and in New Mexico to December 24, 1882; on sick leave to January 15, 1883; with company in New Mexico to June 1, 1884, and at Fort Mackinac, Mich., to present date.

R. C. DRUM,
*Adjutant-General.*

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
*May* 28, 1877.

SIR: I have the honor to report as follows upon the within application of Mr. Stephen O'Connor, late first lieutenant Twenty-third Infantry, to be re-appointed to the Army:

In the case of this officer, who has recently been dismissed the service (see G. C. M. O., 33, c. s.), the principal charges related to his sending through the garrison a "circular," in which he reflected upon the acts of the wife of an officer of the command. The original circular, which had been mislaid, was not forthcoming at the trial, but the same having since been found is produced by Mr. O'Connor as showing that it was in fact considerably milder in its language than as recited in substance, from memory, by the witnesses on the trial. Mr. O'Connor therefore claims that the testimony of these witnesses unfairly prejudiced his case, which, on this account, is entitled to be reconsidered.

But this circular had in fact reached this Bureau before the completion of its formal review of the case, and is recited in full in a postscript to the report of March 3 last.

* * * It was not then viewed as materially contradicting the testimony given in regard to its contents, and I may now add that I can not think that the finding or sentence would have been different had the circular been offered in evidence.

In my judgment, therefore, the production of this paper, since the trial, can scarcely be said to give any new aspect to the merits of the case as tried.

It is, however, to be said that there is much in *the military record* (now first fully presented) of Lieutenant O'Connor to commend his application for re-appointment to a favorable consideration.

From his within personal communication to the General of the Army, his "military history," as obtained from the Adjutant-General's Office, and his warrants and discharges exhibited to this Bureau, it appears that he has been for seventeen years a good and faithful soldier, having served as private, corporal, sergeant, color-sergeant, and quartermaster-sergeant in the Eighth Infantry, and subsequently (having been promoted from the ranks) as a second and first lieutenant in the Eighth and Twenty-third Infantry. Having been surrendered, with his command, by Twiggs, in Texas, in 1861, he escaped, after remaining a prisoner for eighteen months, rejoined his regiment, and served during the Gettysburgh and Wilderness campaigns and at the siege of Petersburgh. The "character" stated in his discharge papers is "*excellent*," and it is only fair to add that his trial by court-martial in 1871, referred to in the "military history," resulted in his being "*honorably acquitted.*"

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* His appointment as second lieutenant expired December 3, 1877, the Senate having adjourned on that date without action on his nomination. He was re-appointed February 11, 1878, and was duly confirmed and commissioned second lieutenant with rank from June 9, 1877.

Upon his recent trial the members of the court, as stated in the report, unanimously recommended him to clemency, this probably in part on account of his previous good character as a soldier, and in part because the court believed that in the matter which gave rise to the charges he had acted under very considerable provocation.

It is thus believed that, in the dismissal of Lieutenant O'Connor, the Army lost a useful and efficient officer, whose experience was of no little value to the service. His offense, grave and indefensible as it was, seems not to have proceeded from any inherent vice of character, but rather from a high temper, which, when irritated, became temporarily beyond his control.

In the belief that the severe lesson which he has received may prevent any recurrence of offense on his part, I am induced to conclude that his recent conviction and sentence should not be regarded as constituting an insurmountable objection to his re-appointment to the Army as a second lieutenant.

W. M. DUNN,
*Judge-Advocate-General.*

Hon. G. W. MCCRARY,
*Secretary of War.*

[Indorsement.]

Respectfully referred to the Adjutant-General.

The President directs that the within-named Stephen O'Connor be appointed second lieutenant in the Army.

GEO. W. MCCRARY,
*Secretary of War.*

JUNE 7, 1877.

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UNITED STATES SENATE CHAMBER,
*Washington, January* 23, 1878.

SIR: The inclosed communication from General Jef. C. Davis was received by me, as chairman of the Committee on Military Affairs. Pending its reference to you I entered a motion in executive session to reconsider the confirmation of Lieutenant O'Connor, and have the honor to request that you will cause me to be informed at an early moment whether, in your opinion, the circumstances and facts will justify the Senate in consenting to the appointment of Lieutenant O'Connor as an officer of the Army.

Very respectfully, your obedient servant,

GEO. E. SPENCER,
*Chairman Committee on Military Affairs.*

The SECRETARY OF WAR.

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FORT LEAVENWORTH, KANS.,
*January* 14, 1878.

*To the Military Committee of the Senate,*
*Washington, D. C.:*

SIRS: On the 16th of March, 1877, First Lieut. Stephen O'Connor, of the Twenty-third Infantry, was dismissed from the service "for conduct unbecoming an officer and gentleman." He was subsequently nominated by the President as a second lieutenant of this regiment, and served as such for some months. The Senate having failed to act upon this nomination, Mr. O'Connor is now out of service. He is at present in Washington, and (it is understood) is using every influence, not only for a re-appointment in the service, but for actual re-instatement in the position from which he was dismissed as first lieutenant.

Mr. O'Connor's conduct during his short service with this regiment as second lieutenant was not conducive to its harmony and good feeling, and his re-appointment to it will undoubtedly result in most decided injury to its morals.

Believing that it is not only the privilege but the duty of the officers of each regiment to do all in their power to maintain intact and at its highest point the honor, tone, and social life of their regiment, we, the officers of the Twenty-third Infantry, respectfully represent the unfairness of forcing upon our association a person who has been dismissed from among us for "conduct unbecoming a gentleman," and we do earnestly protest against the re-appointment of Mr. O'Connor to this regiment in any capacity whatever.

RICHARD I. DODGE, lieutenant-colonel Twenty-third Infantry.
G. M. RANDALL, captain Twenty-third Infantry.
J. T. HASKELL, captain Twenty-third Infantry.
W. C. MANNING, first lieutenant Twenty-third Infantry.

W. F. RICE, first lieutenant and regimental quartermaster Twenty-third Infantry.
G. W. POLLOCK, captain Twenty-third Infantry.
R. I. ESKRIDGE, captain Twenty-third Infantry.
S. H. PARDEE, first lieutenant Twenty-third Infantry.
LEA FEBIGER, second lieutenant Twenty-third Infantry.

I have no objection to Mr. O'Connor's appointment to any other regiment in the service, but I am firmly convinced that his assignment to the Twenty-third Infantry will work injuriously to its interests, and to the interests of the service at large.

P. T. BRODRICK, first lieutenant and adjutant.

Concurring in remarks of the adjutant:

W. L. CLARKE, first lieutenant Twenty-third Infantry.
CHARLES H. HEYL, second lieutenant Twenty-third Infantry.
S. ALLEN DYER, second lieutenant Twenty-third Infantry.
E. B. PRATT, second lieutenant Twenty-third Infantry.
F. L. DODGE, first lieutenant Twenty-third Infantry.
G. A. GOODALE, first lieutenant Twenty-third Infantry.

I have not served much with Mr. O'Connor, but am strongly of opinion that his being sent back to the regiment would be injurious to its interests.

J. J. COPPINGER, captain Twenty-third Infantry.
C. WHEATON, captain Twenty-third Infantry.

[Indorsement.]

FORT LEAVENWORTH, KANS.,
*January* 18, 1878.

This communication is respectfully forwarded by me as colonel of the regiment. Lieutenant O'Connor was, as is stated within, dismissed the service, and subsequently re-instated by his appointment as second lieutenant, and assigned to the regiment again. He never was, as well as I can learn his history in the regiment, a very popular officer. When he was dismissed his sentence was looked upon by me as severe, but just.

Since his re-instatement and return to the regiment he does not seem to have given much evidence that his punishment has been of any benefit to him.

Personally I have not the least prejudice for or against this officer; but, at the same time, I am of opinion that his return to the regiment would not be likely to redound to his own interest or that of the regiment.

JEF. C. DAVIS,
*Colonel Twenty-third Infantry, Commanding Regiment.*

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WAR DEPARTMENT,
*Washington City, January* 25, 1878.

SIR: In answer to your communication of the 23d instant, I have to say that the record of the trial of Lieut. Stephen O'Connor, as well as certain evidence discovered after the trial, was carefully considered before he was nominated for re-appointment; the conclusion was that his re-appointment was due him as a matter of fairness and justice. I am still of that opinion.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,
*Secretary of War.*

Hon. GEORGE E. SPENCER,
*Chairman Committee on Military Affairs, United States Senate.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 777.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 94.]

The Committee on Claims, to whom was referred Senate bill No. 94, for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, have carefully examined the papers relating to the matter involved in the bill and are satisfied that the facts set out in the report made to the Senate at the first session of the Forty-ninth Congress are fully sustained by the record. Your committee therefore adopt that report as expressive of the views which they entertain in reference to the said bill. That report is as follows:

This claim was presented to the Forty-third Congress. It passed both houses in the Forty-fourth Congress, but failed to receive the approval of the President at the end of the session, apparently for want of time. It was at one time reported at $64,128, at another $38,476.80, and in the Forty-eighth Congress the House of Representatives sent it to the Court of Claims for a finding of facts.

It was adversely reported in the Forty-seventh Congress by the Senate Committee on Claims, and was placed on the Calendar.

The report of the Court of Claims is as follows:

[Court of Claims, Congressional Case No. 357. Perez Dickinson, surviving partner of Cowan and Dickinson *v.* The United States.]

This case, involving "a claim for supplies or stores taken or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion," was referred to this court March 3, 1885, by the Committee on War Claims of the House of Representatives under the provisions of the Bowman act (22 Stat., 485).

QUESTION OF LOYALTY.

The court, on a preliminary inquiry (both parties being represented by counsel), found from the evidence that the claimant and his deceased partner were loyal to the Government of the United States throughout said war.

FINDINGS OF FACTS.

Subsequently, the case having been heard upon its merits, the Attorney-General, by his assistants, appearing "for the defense and protection of the interests of the United States," the court, from the evidence, finds the facts to be as follows:

I.

The claimant and his deceased partner, James H. Cowan, resided during the late war in Knoxville, Tenn., and carried on a large business as merchants under the firm name of Cowan & Dickinson.

II.

About the 1st of September, 1863, Knoxville was occupied by United States forces under the command of Maj. Gen. A. E. Burnside.

In November following a Confederate army under the command of General Longstreet was on a march to attack it.

A large amount of military stores had, in the meanwhile, been deposited there, but no sufficient fortifications had as yet been constructed.

In this emergency, General Burnside took from the warehouses of the claimants 256 bales of cotton belonging to the claimants, to be used in works of defense. He delivered to James H. Cowan, one of the members of said firm, the following receipts:

"Received, Knoxville, Tenn., Nov. 25th, 1863, of James H. Cowan, two hundred and fifty-six bales of cotton, for use on fortifications, the correctness of the above estimate of No. of bales subject to the approval of Brig. Gen'l S. P. Carter and Captain ——— ———, provost-marshal, 2nd Divis., 9th A. C.

"A. E. BURNSIDE,
"*Maj. Gen. Com'd'g.*"

"OFFICE PRO. M. GEN. OF E. TENN.,
"*Knoxville, Dec.* 19, 1864.

"The within receipt of Maj. Gen'l Burnside, given in the name of 'James H. Cowan,' is understood to be for cotton taken in Nov., 1863, from the firm of 'Cowan & Dickinson,' of this place, and is *approved.*

"S. P. CARTER,
"*B. G. & P. M. G. of E. Tenn.*"

He also took for the same purpose from other citizens, small amounts of cotton, making in all about 57 bales.

III.

The cotton so taken was effectively used for the defense of the city.

After the repulse of the enemy, the claimant applied to General Schofield, who had succeeded General Burnside in command, for the return of their cotton. But instead of returning it it was disposed of as appears in Finding VI, under the following order:

[Special Orders, No. 57.]

HEADQUARTERS DEPARTMENT OF THE OHIO,
*Knoxville, February* 26, 1864.

5. * * * The chief quartermaster of this department will proceed to collect all cotton that has been used in the construction of fortification and for other purposes in the vicinity of Knoxville not absolutely necessary for the public service, and ship the same to Louisville, to be turned over to the chief quartermaster, there to be disposed of for the benefit of the Government according to existing regulations.

He will also take the necessary steps to ascertain the parties to whom such cotton may have belonged, the amount taken from each party, their loyalty, and give the proper vouchers therefor, according to the loyalty of each.

Brigadier-General Tillson will render such assistance as may be in his power to the chief quartermaster to enable him to carry out this order.

By command of Major-General Schofield.

HENRY CUSTISS,
*Assistant Adjutant-General.*

Capt. J. H. DICKESON,
*Chief Quartermaster, Department of the Ohio.*

At the same time and in pursuance of said order a military commission was organized, with General John Williams, president, and Capt. N. G. Franklin, recorder, to ascertain the ownership of the cotton and the loyalty of the claimants. After hearing the evidence the commission made the following report:

"The military commission on claims, to whom the claim for cotton taken for the use of the fortifications of Knoxville, Tenn., were referred, respectfully report that they have examined the account of Cowan & Dickinson for cotton thus taken; that they are satisfied that the number of bales as specified (256) were taken from them. The average marketable weight of same was 501 pounds. That James H. Cowan and Perez

Dickinson, composing the firm of Cowan & Dickinson, always have been, and are, consistent and strictly loyal citizens of the United States Government. That the said Cowan & Dickinson are entitled to payment for the cotton thus taken from them.

"JOHN WILLIAMS,
"N. G. FRANKLIN,
"*Capt. and Recorder Claim Com.*

"Official:

"L. A. GRATZ,
"*Maj. and A. A. A. G.*"

The cotton was taken by General Burnside November 25, 1863, but the order of General Schofield to gather it up from the fortifications was not issued until February 26, 1864. Nearly four months elapsed from the first taking before this order was fully executed. The waste in the meanwhile was found to be large. Of the 313 bales originally taken from all the citizens, only 218 bales were saved. What became of the 95 bales of deficiency does not definitely appear. Some had been taken by the soldiers to fill their bunks; some used to calk pontoons; some lost by pillages and much worn out and used up in the works.

Of the 218 bales recovered, 40 were used by the medical department, 158 stored by the quartermaster near the railroad depot, awaiting shipment, were accidentally set on fire by boys playing in its vicinity and all, with the exception of about 20 bales, consumed. Twenty bales were shipped to the chief quartermaster at Louisville. What became of the other 20 bales does not appear.

Nor does it appear from which one of the citizens the cotton lost, burned, sold, or used had been originally taken.

V.

The 256 bales of cotton furnished by or taken from the claimants were never returned to them nor any part thereof; nor have they ever received any compensation therefor.

The bales would average 501 pounds each. The market value of the cotton at that time and place was 75 cents a pound, amounting to $96,192.

A true copy test:

[SEAL.]

ROB'T L. MILLER,
*Commissioner.*

It seems to be clearly established that when Knoxville was threatened this property of a loyal citizen, in full sympathy, was taken, not by capture, but by agreement between the parties, and a receipt given. After the enemy had withdrawn from Knoxville the parties asked to have their cotton returned to them, but General Schofield, then in command, ordered, instead, that the cotton be shipped and sold; and, as if to emphasize the fact that this cotton was not captured and was intended to be paid for, in this same order of February 26, 1864, he directs that "necessary steps be taken to ascertain the parties to whom the cotton belonged, the loyalty, and that receipts be given."

Between the taking by General Burnside in November and the collecting up under General Schofield's order in February, the waste of this cotton was large, being 95 bales out of a total of 313. Of this 95 bales the court says that some appears to have been taken by the soldiers for bunks; some was used to calk pontoons; some was lost by pillage; and much worn out and used up in the work.

Of the 218 bales collected 40 were used by the Medical Department, 158 were stored by the quartermaster near the railroad depot awaiting shipment, and of this all but 20 bales were accidentally burned. The remaining 20 bales were shipped to Louisville.

The court finds that 256 bales of cotton were taken from or furnished by claimants, were never returned or never paid for, and were worth 75 cents per pound, and weighed 501 pounds on an average.

The adverse report made to the Forty-seventh Congress in this case seems to have been made on the belief that this cotton was taken for use against the enemy in a siege, and that this was all of it. The examination by the Court of Claims, however, shows that four months after all this—after these people had asked for the return of their cotton, the enemy having withdrawn, and the cotton not needed for any military purpose—that then, as a business matter purely, General Schofield ordered the cotton used and shipped, and to be receipted for to loyal owners, etc.

**Your committee would therefore report Senate bill No. 94 favorably, with the recommendation that it do pass.**

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 778.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 97.]

The committee, to whom was referred the bill (S. 97) for the relief of James L. Cain, A. A. Kyle, Alexander Kennedy, and W. C. Hazen, surviving partner of G. M. Hazen & Son, have carefully investigated the facts bearing upon the relief asked by said bill, and find that the Committee on War Claims of the House of Representatives of the Forty-ninth Congress referred these several claims to the Court of Claims under the provisions of the act approved March 3, 1883.

The following are the facts found by the record of the Court of Claims, as shown by certificate of their findings certified on the 25th of November, 1887:

[Court of Claims. Congressional Case No. 358. James L. Cain, A. A. Kyle, Alexander Kennedy, and W. C. Hazen, surviving partner of G. M. Hazen & Son *vs.* The United States.]

FINDINGS OF FACT.

At a Court of Claims held in the city of Washington on the 16th day of May, 1887, the court filed the following findings of fact, to wit:

This case referred to the court by the Committee on War Claims of the House of Representatives March 4, 1885, was submitted on briefs and arguments by J. F. Kenney, esq., for claimants, and Robert A. Howard, esq., Assistant Attorney-General, and Edward W. Watson, esq., of the Department of Justice, for the defendants, and the court finds the facts to be as follows:

I.

The claimants were residents and citizens of Tennessee, and throughout the war of the rebellion were loyal to the Government of the United States and did not give any aid or comfort to the rebellion.

II.

About the 1st of September, 1863, Knoxville was occupied by United States forces under the command of Maj. Gen. A. E. Burnside.

In November following a Confederate army, under the command of General Longstreet, was on a march to attack it.

A large amount of military stores had, in the meanwhile, been deposited there, but no sufficient fortifications had as yet been constructed.

III.

In this emergency the following cotton belonging to the several claimants, with cotton of other parties, in the city of Knoxville, was furnished or taken, and used under the direction of the engineer officers for the use of the Army:

Six bales, of 2,269 pounds, belonging to said J. L. Cain.

Seven bales, of 3,500 pounds, belonging to said A. A. Kyle.

Thirty-four bales, of 17,300 pounds, belonging to said George Hazen.

Ten bales, of 4,500 pounds, belonging to said Alexander Kennedy.

IV.

The cotton so taken was effectively used for the defense of the city.

After the repulse of the enemy, the claimants applied to General Schofield, who had succeeded General Burnside in command, for the return of their cotton. But instead of returning it it was disposed of as appears in Finding V, under the following order:

[Special Orders, No. 57.]

HEADQUARTERS DEPARTMENT OF THE OHIO,
*Knoxville, February 26, 1864.*

* * * The chief quartermaster of this department will proceed to collect all cotton that has been used in the construction of fortifications and for other purposes in the vicinity of Knoxville not absolutely necessary for the public service, and ship the same to Louisville, to be turned over to the chief quartermaster, there to be disposed of for the benefit of the Government according to existing regulations.

He will also take the necessary steps to ascertain the parties to whom such cotton may have belonged, the amount taken from each party, their loyalty, and give the proper vouchers therefor, according to the loyalty of each.

Brigadier-General Tillson will render such assistance as may be in his power to the quartermaster to enable him to carry out this order.

By command of Major-General Schofield.

HENRY CUSTISS,
*A. A. G.*

V.

The cotton was taken by General Burnside November 25, 1863, but the order of General Schofield to gather up from the fortifications was not issued until February 26, 1864. Nearly four months elapsed from the first taking before this order was fully executed. The waste in the mean while was found to be large. Of the 313 bales originally taken from all the citizens, only 218 bales were saved. What became of the 95 bales of deficiency does not definitely appear. Some had been taken by the soldiers to fill their bunks; some used to calk pontoons; some lost by pillages, and much worn out and used up in the works.

Of the 218 bales recovered, 40 were used by the medical department, 158 stored by the quartermaster near the railroad depot awaiting shipment were accidentally set on fire by boys playing in its vicinity and all, with the exception of about 20 bales, consumed. Twenty bales were shipped to the chief quartermaster at Louisville. What became of the other 20 bales does not appear.

Nor does it appear from which one of the citizens the cotton lost, burned, sold, or used had been originally taken.

VI.

Said cotton so taken, or furnished, from the claimants was never returned to them, nor have they received any compensation therefor. The market value of the cotton at time and place was 75 cents a pound, amounting to the several parties as follows:

| | |
|---|---|
| J. L. Cain | $1,701.75 |
| W. C. Hazen, surviving partner of G. M. Hazen & Son | 12,975.00 |
| A. A. Kyle | 2,625.00 |
| Alexander Kennedy | 3,375.00 |

BY THE COURT.

A true copy.
Test, this 25th day of November, A. D. 1887.
[SEAL.]

JOHN RANDOLPH,
*Assistant Clerk Court of Claims.*

The findings of fact clearly show that the claimants were loyal to the Government of the United States during the entire war; that the property taken from them by General Burnside in order to meet the emergency which arose by reason of the advance of General Longstreet's army, was intended by the commanding general to be compensated for, as is shown by the second clause of Special Orders, No. 57, in which he says: "He will also take the necessary steps to ascertain the parties to whom such cotton may have belonged, the amount taken from each

party, their loyalty, and give the proper vouchers therefor according to the loyalty of each."

After the emergency had passed that induced the general commanding to seize and use this cotton, the claimants applied to General Schofield to return the same to them, instead of doing which he ordered it to be taken to Louisville to be turned over to the Quartermaster-General, to be disposed of for the benefit of the Government.

Your committee, under these circumstances, can see no just reason why the action of the agents of the Government, under the facts found by the Court of Claims, should not impose upon the United States the obligation to pay to the claimants the value of the property taken by the Government from them.

Your committee would therefore recommend that the bill be amended in line 10, after the words "to wit," by striking out "I." and inserting J., and in line 22, by striking out "seven" and inserting "five," and in line 23, by striking out all after the word "dollars," and that the title be amended so as to read "For the relief of J. L. Cain and others," and as so amended the bill is reported favorably, with the recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 779.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1657.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1657) for the relief of William Bayard, a citizen of the United States, have duly considered the same, and submit the following report:*

This bill proposes to authorize William Bayard, claiming to be a captain in the Ninth Regiment United States Cavalry, to institute a suit in the Court of Claims to test the validity and legality of his alleged muster out of the service of the United States as captain in virtue of General Order No. 1, dated January 2, 1871, and authorizse an appeal to the Supreme Court, and in the event of the decision being favorable to said Bayard, requires the Secretary of War to enter the name of said Bayard upon the roster of officers of his regiment as though said order and muster out had never been issued.

Your committee attach hereto a report from the Adjutant-General to the Secretary of War and the accompanying reports, as follows:

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
*Washington, January 27, 1882.*

Military history of William Bayard, of the United States Army, as shown by the files of this office:

Enlisted February 2, 1863, in Company G, Fourth U. S. Cavalry; promoted corporal April 23, 1863, and discharged November 23, 1863, by reason of appointment as second lieutenant Fourth Cavalry October 31, 1863; promoted first lieutenant Fourth Cavalry August 10, 1865; appointed captain Ninth Cavalry July 28, 1866. (Brevetted first lieutenant December 16, 1864, for gallant and meritorious services in pursuit of rebel forces under General Hood; captain April 2, 1865, for gallant and meritorious services at the capture of Selma, Ala.; major April 2, 1865, for gallantry during the pursuit of Hood after the battle of Nashville, and in the charge of his regiment against the earthworks at Selma, Ala.)

*Service.*—Joined regiment November 23, 1863, and served with it in the Army of the Cumberland to November, 1864; Cavalry Corps, Military Division of the Mississippi, to June, 1865; in Georgia to October, 1865, and in Texas to January, 1867; on leave to February, 1867; with regiment in Texas to June 9, 1867; in arrest to July 21, 1868 (see General Orders No. 44, Headquarters Fifth Military District, July 25, 1868, copy herewith); with regiment in Texas to December 15, 1868; on sick leave and on surgeon's certificate of disability to April 30, 1869; with regiment in Texas to November 15, 1869; in arrest to March 19, 1870 (see General Orders No. 42, Headquarters Fifth Military District, March 19, 1869, copy herewith); on leave from April 14 to May 5, 1869; with regiment in Texas to February 9, 1881, when he received General Orders, No. 1, Adjutant-General's Office, January 2, 1871, honorably mustering him out of the service, to date January 1, 1871, under provisions of section 12, act of Congress approved July 15, 1870.

R. C. DRUM,
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *January* 27, 1882.

The SECRETARY OF WAR:

SIR: In accordance with the request of the Hon. Wade Hampton, of the Senate Committee on Military Affairs, herewith returned, I inclose a transcript of the military record of William Bayard, formerly captain in the Ninth U. S. Cavalry.

Captain Bayard was transferred to the list of supernumerary officers, and honorably mustered out of service to date from January 1, 1871, with a year's pay and allowances, under the authority conferred on the President by section 12, act of July 12, 1870.

The act of March 3, 1869, reducing the Army, left a large number of officers, especially in the grades of captain and first lieutenant, unprovided for in the new and reduced organization.

The act of July 15, 1870, required the discharge of all these surplus officers who should remain in service after January 1, 1871. Section 12 of the latter act, while requiring the discharge of a certain number of officers, gave the President absolute discretion in the matter of selecting those to be discharged.

With a view, however, to the retention of the best officers, and the discharge of those least efficient or meritorious, department and other commanders were called upon for information respecting the officers in their respective commands.

Copies of the reports made in the case of Captain Bayard, which led to his selection for muster out, are also inclosed herewith.

Should Captain Bayard be restored with his original date of rank, he will stand No. 4 in lineal list of captains of cavalry.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

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HEADQUARTERS NINTH U. S. CAVALRY,
*Fort Davis, Tex., November* 3, 1870.

HON. W. W. BELKNAP,
*Secretary of War:*

SIR: I have the honor to recommend, under provisions of act July 15, 1870, that Capt. William Bayard, Ninth U. S. Cavalry, be transferred to list of officers awaiting orders, and Capt. George B. Baldy, U. S. Infantry (an excellent cavalry officer), or some good officer, be assigned to the Ninth U. S. Cavalry.

Inclosed I send the history of Captain Bayard as copied from the records of the post.

I believe the service will be benefited by this transfer.

Very respectfully, your obedient servant,

EDWARD HATCH,
*Colonel Ninth U. S. Cavalry.*

(Indorsements on the foregoing:)

Respectfully forwarded through division headquarters to the Adjutant-General of the Army, inviting attention to communication from this headquarters of the 2d instant.

J. J. REYNOLDS,
*Colonel Twenty-fifth U. S. Infantry, Commanding.*

DEPARTMENT OF TEXAS, *November* 12, 1870.

HEADQUARTERS MILITARY DIVISION OF THE SOUTH,
*Louisville, Ky., November* 23, 1870.

Respectfully forwarded to the Adjutant-General of the Army.

H. W. HALLECK,
*Major-General, Commanding.*

(Inclosure to the foregoing:)

HEADQUARTERS,
*Fort Davis, Tex., October* 19, 1870.

SIR: The records of the Ninth Cavalry and of the post of Fort Davis show that Capt. William Bayard joined the regiment at New Orleans, La., February 14, 1867.

He was placed in arrest near Camp Hudson, Tex., June 12, 1867, by order of Lieut. Col. Wesley Merritt, Ninth Cavalry, commanding; remained in arrest until after he was tried by Government court-martial; released on the 11th day of September, 1868; was again placed in arrest November 16, 1869, and again tried by Government court-martial; restored to duty April 8, 1870. Reported sick until May 12, 1870. Was absent on sick-leave from December 15, 1868, to June 1, 1869.

I am, very respectfully, your obedient servant,

F. M. STARR,
*First Lieut., Ninth Cavalry, Act. Adjt.*

To Col. E. HATCH,
*Commanding Ninth Cavalry.*

(Copy of the communication referred to in the foregoing indorsement of Col. J. J. Reynolds:)

HEADQUARTERS DEPARTMENT OF TEXAS,
(TEXAS AND LOUISIANA),
*San Antonio, Tex., November* 2, 1870.

Lieut. Col. J. B. FRY,
*Headquarters Military Division of the South:*

COLONEL: In compliance with your telegram of the 26th ult., I have the honor to submit the following list of officers serving in this department whom I would recommend for transfer to the list of supernumeraries, under section 12 of the act of July 15, 1870.

* * * * * * *

Ninth Cavalry, Captain William Bayard.

* * * * * * *

I have the honor to be, very respectfully, your obedient servant,

J. J. REYNOLDS,
*Colonel* 25*th Infantry, Commanding.*

(Indorsement on the foregoing:)

HD. QRS. MIL'Y DIVISION OF THE SOUTH,
*Louisville, Ky., November* 10*th*, 1870.

Respectfully forwarded to the Adjutant-General of the Army. Approved.

H. W. HALLECK,
*Major General, Commanding.*

The foregoing are true copies:

GEO. D. RUGGLES,
*Asst. Adjutant-General.*

WAR DEPT., ADJUTANT-GENERAL'S OFFICE, *January* 27, 1882.

Mr. Bayard is either an officer in the Army or a private citizen. If the proceedings—the validity and legality of which he seeks the authority of Congress to test—are valid and legal, then he is a private citizen; but if they are invalid and illegal, he is an officer in the Army and can sue in the Court of Claims for his salary allowed by law of Congress, and thus test the validity and legality. If, however, by his own voluntary act, with a full knowledge of the facts relating to his alleged muster out, he accepted one year's extra pay and allowances and thus precluded himself from the right to test the validity and legality of the proceedings, he has only himself to blame.

Your committee believe it would be a very bad precedent to authorize any officer of the Army many years after his muster out to institute proceedings in court to test the validity and legality thereof, and if found invalid or illegal to require the Secretary of War to place his name on the roster of officers of his regiment as though no muster out had occurred, which would necessarily carry with it the right to pay for many years, during which he performed no services whatever for the Government.

Your committee therefore report the bill back to the Senate adversely, and recommend that it be indefinitely postponed.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 780.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 2805.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2805) granting a pension to Martha F. Woodrum, have examined the same, and report:*

The present bill proposes to place the claimant, Martha F. Woodrum, on the pension rolls at the rate of $12 a month. Your committee have already favorably reported a bill (S. 2166) placing her on the rolls at the rate af $50 a month, the reasons for which are fully set forth in the said report (No. 474).

This widow is now advanced in age, is poor and dependent upon relatives for support, and totally blind.

This is an exceptional case, and your committee have no hesitation in reporting the bill with a renewed recommendation that it do pass, amended, however, by striking out the word "twelve" in line 6 and substituting therefor the word "fifty," to correspond with the Senate bill, already reported.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 781.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill S. 1846.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1846) for the erection of a public building at New London, Conn., have considered the same, and recommend that it do pass, with amendments.

The following paper, furnished the committee by Hon. Charles A. Russell, of the Third Congressional district of Connecticut, explains the necessity for the building:

New London is situated at the mouth of the Thames River, a stream navigable by vessels of the largest draught for its entire length, a distance of 13 miles. The harbor of New London has no superior. It has never been closed to navigation in the severest weather. During the winter of 1887-'88 it was the only harbor north of Hatteras on the Atlantic coast that remained open continuously. The city is on the through railroad line between New York and Boston, and is about equidistant from each.

According to the census of 1880 the population of New London was 10,537. The percentage of increase since 1880 has been greater than that of any city in Connecticut, with possibly a single exception, and the present population, estimated upon the ordinary basis of computation, is 15,000. The recent growth promises to be continued in the future. It is a healthy growth, due in a large measure to the development of manufacturing interests and the rapidly increasing popularity of the city as a summer resort. The summer population, which is not included in the figures above given, is estimated at not less than 2,500.

During the past five years new manufacturing enterprises, employing in the aggregate more than 1,200 persons, have been established and are now in successful operation. The principal articles of manufacture are marine engines and boilers, cotton-gins, printing-presses, electric machinery, heating apparatus, iron castings, chucks, silks, woolens, and quilts. The silk industry, which was inaugurated about five years ago, already employs nearly 1,000 hands. The product of a single silk mill during the year 1887 was over $1,100,000—an increase of 40 per cent. within the past three years.

New London enjoys facilities for transportation, both by land and water, that are unsurpassed by those of any city in New England, and offer exceptional advantages to manufacturing interests. The New York, New Haven and Hartford, New York and New England, New York, Providence and Boston, Central Vermont, and New London Northern Railroads center there, and owing to the increasing demands of their business have recently erected a new union passenger station at a cost of $100,000. There are eleven passenger trains daily in the summer season and nine in the winter to both New York and Boston. Two lines of steamers, comprising some of the largest and finest vessels on the inland waters of the United States, make daily trips between New London and New York. There is also a daily steamer line (which is a mail route) to Sag Harbor and Greenport, N. Y., and, during the summer season, a mail and passenger line to Block Island and Watch Hill. Thousands of tons of freight are daily received from and forwarded to all points in New England, as far north as the Canadian borders. The harbor is one of the principal harbors of refuge on the northern Atlantic coast, and in heavy weather hundreds of vessels seek shelter there in a single day.

Outside of the customs service the following United States officers, for which there are no adequate accommodations, are located at New London: Post-office, inspectors of hulls and boilers, naval offices connected with the naval station on the Thames, signal station, pension examining board, and United States deputy marshal for the district of Connecticut.

The volume of business transacted at the New London post-office exceeds that of any office in Connecticut, with the exception of the offices at New Haven and Hartford. It is the only office of distribution between New Haven on the west and Providence, R. I., on the east, on the Shore Line route, a distance of 110 miles, and between New London and Palmer, Mass., on the north, a distance of 65 miles. It supplies the whole of eastern Connecticut and the entire State of Rhode Island, except the city of Providence, with registered mail. The number of daily mails handled is 96, not including registered mails, of which there are 4 daily. The number of towns supplied with mail distributed in the New London office is as follows: On the New York, Providence and Boston Railroad, 27; Shore Line Division of the New York, New Haven and Hartford, 23; New London Northern, 26. The number of locked pouches received and dispatched during the year ended December 31, 1887, was 29,568, the number of sacks 8,312, and of registered pouches 1,232. The number of registered letters sent during the year was 4.204, the number received 2,990, and the number of packages of registered mail in transit 29,490. The money-order transactions for the year amounted to $113,592.70. The inside dimensions of the present post-office are 34 by 32 feet, and the lobby for the accommodation of the public is only 6 feet in width. The rental of these premises, including light and heat, for the next five years, will be $2,370 per annum. The free-delivery system, to which the city has long been entitled and the application for which has been approved by the Post-Office Department, is withheld because of the lack of adequate accommodations in the present quarters.

The United States inspectors of hulls and boilers, with headquarters in New London, have jurisdiction over the waters of Connecticut and Rhode Island. The Government has for a number of years past paid $500 per annum for rent of inspectors' office. Hearings in cases of collision, etc., involving the presence of large numbers of witnesses, are often had before the inspectors, and their present quarters are entirely inadequate for the proper transaction of their business.

At present the accommodations of the Signal Service are so unsatisfactory that the abolition of the station, which is in many respects one of the most important on the Atlantic coast, has been seriously contemplated.

The commandant, executive officer, paymaster, and surgeon attached to the Thames naval station, and the pension examining board for New London County, all located at New London, are also without adequate accommodations.

The shipping interests of New London are important, including, as they do, vessels engaged in the whale, seal, and other fisheries, and in the coasting trade, and barges with a tonnage of more than 20,000 tons engaged in the transportation of coal. New London and ports near by furnish a very considerable share of the admiralty business of the United States court for the district of Connecticut, and with the erection of a public building at New London the holding of sessions of the United States court there would greatly promote the interests and convenience of suitors and the public.

In view of the facts set forth, which abundantly justify the erection of a public building adequate to the needs of the various branches of the Government service at New London, the committee recommend the passage of the bill, fixing the amount appropriated at $75,000.

The following are also submitted:

UNITED STATES POST-OFFICE,
*New London, Conn.*, 1888.

DEAR SIR: Reply to yours of February 2, would respectfully say:

(1) The amount of floor space inside this office is 32 by 34 feet and the lobby outside is 6 feet wide.

(2) I should say that twice the present space would not be too much.

(3) I can not tell how much the postal business has increased in the last ten years; have been here since May, 1885; the books previous to that time were taken by my predecessor. Our present annual income is considerably more than ever before, notwithstanding the reduction from 3 to 2 cents a half ounce and later from 2 cents a half ounce to 2 cents an ounce. The prospect of future growth is very encouraging; more building done here in the last two years than in the six preceding. Attached find statement of last year's business.

(4) The number of employés in the office at present is seven, two of whom I pay out of my own pocket. The free-delivery system is withheld, awaiting larger quarters to do our business in; this will give us five or six more employés.

(5) The rental paid under lease which expired November 30, 1887, was $1,500 per annum, including heat, the Department paying for light and water.

The owners of the property demand, I understand, 33 per cent. more, which the Department will not pay.

How much the rental will increase in ten years I am unable to say.

(6) Federal offices located here are as follows: Custom, Navy, Signal Service, Army, and United States inspector of steam-vessels.

(7) The only suitable site, centrally located, is the lot corner of State and Union streets, 121 by 121 feet (see diagram).

On receipt of yours I asked owners of the property for a price; they give me an option of $30,000 for ninety days. I consider the property worth $25,000. A Government building on this lot would enhance the value of adjoining property belonging to same owners.

All of which is respectfully submitted by your obedient servant,

G. D. WHITTLESEY,
*Postmaster.*

The SUPERVISING ARCHITECT,
*Washington, D. C.*

---

W. H. SAXTON, Esq.,
*Representing Board of Trade, city.*

DEAR SIR: Per your request of this noon I herewith give you desired statement:

| | |
|---|---|
| Mails per day inward and outward | 96 |
| Registered mails per day inward and outward | 4 |
| Towns supplied with mail distributed in the office: | |
| Towns on New York, Providence and Boston Railroad | 27 |
| Towns on Shore Line Division New York, New Haven and Hartford Railroad | 23 |
| Towns on N. L. N. Division Central Vermont Railroad | 26 |

Next to New Haven and Hartford we handle more mail in transit than any other office in the State; sixty thousand pieces and packages common mail, 100 pieces and packages registered mail, being handled by us daily.

Money-order transactions for the year ending December 31, 1887, amounted to $113,592.70.

Our force consists of postmaster and six clerks. The free-delivery system, which will give us five or six carriers, is withheld on account of the difficulty experienced by the Department in getting us suitable quarters at a reasonable rental.

Yours, respectfully,

G. D. WHITTLESEY, *Postmaster.*

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 782.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill S. 1200.]

The Committee on Public Buildings and Grounds, to whom was referred Senate bill 1200 for the erection of a public building in the city of Lansing, in the State of Michigan, have considered the same, and respectfully report the same back, with a recommendation that it pass with an amendment authorizing the securing of the site by condemnation proceedings, if found to be necessary.

The committee submit the following in explanation of the necessity of the building:

UNITED STATES POST-OFFICE,
*Lansing, Mich., February* 8, 1888.

SIR: Replying to your circular letter of 24th ultimo, I beg leave to report—

(1) What amount of floor space, in square feet, does your office at present occupy?

Answer. The space occupied by the post-office at present is 42 by 98 feet.

(2) Is this space sufficient for the present business? If not, what amount of additional space is required?

Answer. This is sufficient for present business.

(3) To what extent has the postal business in your city increased in value in the last ten years, and what is the prospect of further growth in the next ten years?

Answer. The gross receipts of the office in 1877 were $17,923.44, increasing steadily, until 1887 the aggregate was $31,104.26.

(4) What is the number of employés in your office?

Answer. The number of employés is at present 14.

(5) What is the amount of annual rent paid for premises occupied, and to what extent, if any, is this charge likely to increase in the next ten years?

Answer. The rent under present lease is $1,500 per year, including heating.

(6) What other Federal offices are located in your city? If any, name them in detail, and furnish similar information as to them severally, as is requested above in respect to the postal business.

Answer. There are no other Federal offices in this city except commissioners.

(7) What, in your judgment, would be the probable cost of a suitable site centrally located, for said building, said site to be a corner lot and to have dimensions not less than —— by —— feet?

Answer. A suitable site of dimensions stated, 110 by 140, would probably cost $10,000.

Respectfully,

H. D. PUGH,
*Postmaster.*

Hon. SUPERVISING ARCHITECT.

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Hon. MARK S. BREWER,
*Washington, D. C.*:

DEAR SIR: I desire to submit the following in regard to the business interests and resources of Lansing, which I hope may assist you in presenting the reasons for an appropriation to build a public building.

You have been familiar with Lansing a number of years and must be personally aware of the substantial growth within the past few years. You are also aware that

the growth of Lansing was slow until the legislature decided to build a new and permanent capitol building, which has been done at a cost of $1,500,000. Its completion caused the State's business all to be done here instead of at various localities as heretofore.

The supreme court, which formerly held its four terms in as many different places, now does its entire work in the new capitol.

The other public buildings are the State Reform School, with its 400 and odd inmates—boys; the State School for the Blind, with 75 pupils; the State Agricultural College, with about 400 students, located 2 miles out.

The growth of Lansing has been astonishing, both in population and industry, the past three years, as the statements of our larger manufacturing enterprises will show. The population as given by the State census of 1884 was 9,774; a conservative estimate to-day places it at 13,500. In order that you may fully understand the manner in which the city is developing I desire to call your attention to a few illustrations, as follows:

Lansing post-office:

| | |
|---|---|
| Receipts for 1887 | $31,104.25 |
| Total disbursements | 14,853.96 |

This shows an increase in receipts over 1886 of $6,000.

Clark & Co., carriage-makers:

| | |
|---|---|
| Men employed in 1887 | 110 |
| Carriages made | 2,100 |
| Cutters made | 2,000 |

Increase of business over 1886, 40 per cent.

E. Bement & Sons, agricultural implements, etc.:

| | |
|---|---|
| Men employed during 1887 | 425 |
| Stoves manufactured | 10,000 |
| Plows, cultivators, and harrows | 5,500 |
| Sleighs | 2,700 |

Total product for 1887, $415,000. Increase of business over 1886, 33 per cent.

Lansing Iron and Engine Works:

| | |
|---|---|
| Men employed in 1887 | 115 |
| Monthly pay-roll | $4,150 |
| Aggregate sales for the year | $234,000 |

Increase of business over 1886, 20 per cent.

Lansing Wagon Works:

| | |
|---|---|
| Wagons made during 1887 | 2,550 |
| Sleighs | 2,550 |
| Carriages | 400 |
| Men employed | 110 |
| Total amount of sales | $185,000 |
| Paid for wages | $54,000 |

Increase of business over 1886, 10 per cent.

Capital Wagon Works (established in 1887):

| | |
|---|---|
| Men employed | 85 |
| Total sales | $47,500 |
| Wagons manufactured | 950 |
| Paid for wages | $18,000 |

Lansing Wheelbarrow Works:

| | |
|---|---|
| Men employed in 1887 | 85 |
| Paid for wages | $25,000 |
| Amount of sales | $110,000 |

Increase of business over 1886, 15 per cent.

Thorp & Godfrey, printing and binding:

| | |
|---|---|
| Employés | 117 |
| Amount of wages paid per month | $6,200 |

Increase over 1886, 33⅓ per cent.

Lansing Wheel Works (established in 1887):

| | |
|---|---|
| Men employed | 75 |
| Sales for 1887 | $94,850 |
| Pay-roll for month | $2,100 |

Anderson Road Cart Works began business December 1, 1887:

| | |
|---|---|
| Hands now employed | 40 |
| Estimated output for 1888 | $90,000 |

A. Wise Wood Molding Works:

| | |
|---|---|
| Men employed | 50 |
| Value of products, 1887 | $110,000 |

Increase over 1886, 5 per cent.

Condensed Milk Works (established in 1887): Number of men employed, 30; output, two car-loads per week.

The figures given above have been secured from personal statements from which aggregates were made.

RAILROADS.

There are four railroads running through the city, with twenty-four passenger trains going and coming daily. The number of roads will be increased to five next month, upon the opening of a new line to Grand Rapids.

Attention is also called to a transit rail road now being constructed through the city for the convenience of manufacturers.

Within two years there has been constructed a system of water-works, costing $125,000, owned by the city.

There are in the city five banks—two national and three organized under State law.

Attention might be called to other institutions, also milling interests, shipping on an average over 1,000 barrels of flour daily; cooper-shops employing over seventy-five men, foundries, wholesale houses, etc.

However, the above will show this to be an important and growing city, well worthy of consideration by Congress in the matter proposed.

Yours, very truly,

E. W. SPARROW.

Hon. MARK S. BREWER,
*Washington, D. C.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 783.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 839.]

*The Committee on Claims, to whom was referred the bill (S. 839) for the relief of Daniel B. Washburn, having considered the same, submit the following report:*

The petition clearly states the case of the claimant. Its allegations are established by vouchers, which are annexed. It is a very plain case. We report the accompanying bill. We also annex for the information of the Senate the following report, made in the second session of the Forty-ninth Congress.

## REPORT.

The claimant is the administrator of the estate of William McFarland, deceased.

The said McFarland was a soldier in the Tenth Regiment Illinois Cavalry. During his life-time he made application for a pension, which was granted August 12, 1885, under certificate number 304382. On the 12th day of September of said year a check for the sum of $1,193.94, payable to the order of said William McFarland, was issued by the United States pension agent on the assistant treasurer of the United States, Boston, Mass. On the 9th day of September, 1885, the pensioner executed the proper voucher at his home in Milford, Mass. That on the evening of the last-named day said voucher was mailed to the pension agent at Boston. On the evening of September 10, 1885, the day following the execution and mailing of said voucher , the s pensioner died.

On the 20th day of October, 1885, the claimant was duly appointed the administrator of the estate of said William McFarland, deceased. As such administrator, he in good faith received said pension check; indorsed the same as such administrator. The assistant treasurer of the United States at Boston, on October 27, 1885, paid said check, so indorsed, to the claimant, the money so received being all of the assets of the deceased soldier. He for a long time had been incapable of manual labor by reason of disease contracted in the Army, and was at the time of his death largely indebted to those who had given him his board on credit; also to his physicians for medical attendance. The claimant administered on said estate in good faith, and paid out on the debts, consisting mainly of board, medical attendance, funeral expenses, and a plain headstone, the sum of $1,055.50. The claimant was not directly or indirectly, as the committee is informed, interested in any of the claims so paid.

After the claimant had paid out the amount, as aforesaid, as administrator, he was notified by the assistant treasurer of the United States, at Boston, that the deceased soldier having left neither widow nor child, the claimant was required to pay, and did pay, into the subtreasury at Boston the entire sum that he had received on said pension check, as aforesaid. The committee is of the opinion that the claimant acted

in good faith throughout; that the amounts he paid out were paid to those who had been so good as to furnish the deceased with the necessaries of life and medical attendance while he was prosecuting, for many years, in sickness and poverty, a just demand against the Government. Therefore, in the opinion of the committee, it would be a great hardship upon the claimant to compel him to pay these reasonable and necessary charges against the estate of the deceased, rather than have them paid out of the money actually due the deceased at the time of his death. The committee recommends that the bill do pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 784.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 2200.]

*The Committee on Military Affairs, to whom was referred the bill (S. 2200) to amend paragraph 1 of section 4821, chapter 2 of the Revised Statutes, respectfully report:*

This bill proposes to change existing law so that fifteen years' service instead of twenty years' service in the Regular Army of the United States shall entitle a soldier to admission to the United States Soldiers' Home of Washington, D. C.

For the abundant reasons suggested in the letters hereto attached of the Secretary of War, General Sheridan, and General Henry J. Hunt, governor of the Home, the committee recommends that the bill be indefinitely postponed.

WAR DEPARTMENT,
*Washington City, March 27, 1888.*

SIR: In response to your request of the 14th instant for the views of the Department on Senate bill 2200, Fiftieth Congress, first session, to reduce the period of service required to entitle a soldier to the benefits of the Soldiers' Home from twenty to fifteen years, I have the honor to invite attention to the inclosed report of the 23d instant from the president of the Board of Commissioners of the Soldiers' Home, who disapproves of the proposed measure.

I concur in the views expressed by that officer in his report on this subject, and can not, therefore, recommend the passage of the bill.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. CHARLES F. MANDERSON,
*United States Senate.*

BOARD OF COMMISSIONERS OF THE SOLDIERS' HOME,
*Washington, D. C., March 23, 1888.*

SIR: I have the honor to return herewith Senate bill 2200, first session Fiftieth Congress, which proposes to reduce the period of service required to entitle a soldier to the benefits of the Soldiers' Home from twenty years (Sec. 4821, R. S.) to fifteen years, and, in compliance with the directions of the honorable Secretary of War indorsed thereon, to report that the Commissioners of the Home have considered the bill and are unable to state any possible reason in its favor. The enlistments for the Army are made of men from eighteen to thirty-five years of age, and carefully compiled statistics show that the average age is twenty-five years. The rigid examination of recruits secures men of superior physical qualifications. A period of fifteen years' service would bring the average number of soldiers to the age of forty years.

The number of soldiers discharged from service annually on expiration of term is about 3,500. About one-third of this number embraces those who have completed their third term, or fifteen years' service.

A fair deduction from these facts is that more than a thousand men, originally selected from the best physical material, and still in the prime of life, will annually become entitled to the benefits of the Home toward which they have each paid the sum of $22.50, and will be allowed the privilege of entering, while yet in possession of perfect physical strength, upon a life of idleness as a compensation for a premium of less than $25 in money and a service of fifteen years in which the hardships and exposures are decreasing every year. This, of course, is supposing that this bill shall become a law.

The law now requires twenty years' service. If disability is incurred in line of duty before that period is completed the soldier so disabled is entitled under existing law to the benefits of the Home. If a soldier at the end of fifteen years' service is found to be disqualified for further military duty and the disqualification is incidental to the service, he is entitled to the benefits of the Home without any new legislation.

If he is not disqualified it would not be wise to withdraw him, or give him the right to withdraw from every active pursuit, and support him in idleness for the remainder of his life. There could be very good reasons given why the right of admission under even the twenty-year period should be abridged and physical disability be the requisite for all persons under fifty years of age, allowing the service period to apply to only those of fifty or more years of age. The law is now liberal enough and is very liberally construed and applied by the Commissioners. The proposed enactment will not provide for those who ought to be benefited any better than existing law now does, while it would do mischief by extending the benefits to many who do not in any sense need them. It is contrary to a spirit of compensating devotion and industry.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
*Lieut. Gen. Commanding the Army,*
*President of Board of Commissioners.*

The ADJUTANT-GENERAL OF THE ARMY.

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GOVERNOR'S OFFICE, UNITED STATES SOLDIERS' HOME,
*Washington, D. C., March* 17, 1888.

GENERAL: I have the honor to acknowledge the receipt of your note of March 14, inclosing Senate bill 2200 to reduce from twenty to fifteen years the term of service required to qualify soldiers for admission to this Home, and asking my views as to its justice.

The Home was established originally for old soldiers not otherwise provided for, of at least twenty years' service, or of shorter service if disabled in the line of duty. The funds are derived from a small monthly contribution (12½ cents) from the pay of every soldier in service; from fines and forfeitures by sentence of courts-martial; from unclaimed balances due soldiers on the books of the Treasury, etc.

It was also provided that pensioners for military service might avail themselves of the advantages offered by the Home by surrendering their pensions to its funds, so long as they received its benefits. This last provision has been changed, so that inmates receive both support at the Home and their pensions. The result has been a large accession of inmates from the class of pensioners, greatly increasing the cost of maintaining the Home, whilst depriving it of one source of revenue (over $50,000 per annum). Considerably more than half the inmates are pensioners, so that the current income does not meet the current expenses, and the capital of the endowment is being impaired. The proposed reduction in the term of service would probably largely increase the number of inmates and its cost, and would therefore be not only unjust but ruinous to the Home.

The age of enlistment for recruits is now from eighteen to thirty-five years, so that for admission to the Home age varies from thirty-eight to fifty-five. If the term of service is lessened to fifteen years these limits will be reduced to thirty-three and fifty. Between these ages men are efficient for military service. The result of the reduction would therefore be to bring to the Home a large number of comparatively young men, in the prime of life, would tend to pauperize, and would therefore be unjust to them and injurious to the Army.

It would be much better not to allow any discharged soldier whilst still fit for military duty to enter the Home until he reaches the age of fifty years. What with the law as to pensioners, the admission of young men for disability, and those who enlisted

under thirty years of age and served twenty years, almost all visitors remark upon the large number of young men and the comparatively few old soldiers at the Home.

The proposed change is unnecessary, for the Board of Commissioners construes the law very liberally. If an applicant for admission has served less than twenty years, has been discharged, not for disability, but on expiration of service, and it appears that he was refused re-enlistment because of impairment or decay whilst in service, and not due to his own fault, that is considered as equivalent to a discharge for disability, and he is admitted. It is quite certain that no man who has served fifteen years and was then rejected for unsoundness by a recruiting officer would be refused admission by the Board of Commissioners.

I am, therefore, of the opinion that on all grounds of justice to the soldier, the Home, and Army, the proposed change is inexpedient.

Respectfully, your obedient servant,

HENRY J. HUNT,
*Governor.*

P. S. The total contribution to the funds of the Home for an enlisted man is, for twenty years service, $30; for fifteen years service, $22.50.

Hon. CHARLES F. MANDERSON,
*United States Senate.*

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 785.

# IN THE SENATE OF THE UNITED STATES.

MARCH 29, 1888.—Ordered to be printed.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill S. 2164.]

The Committee on Public Buildings and Grounds, to whom was referred Senate bill 2164, to provide for the erection of a public building in the city of Norfolk, in the State of Virginia, respectfully report the same with amendments, reducing the appropriation asked for to $150,000, and recommend the bill as amended do pass.

The bill proposes that the building to be erected shall be used for the accommodation of the United States post-office and United States court, with a view to the occupancy of the old building for other Government offices.

The committee recommend that the bill be amended by striking out the words "two hundred and fifty thousand" wherever they occur in the bill, and inserting the words "one hundred and fifty thousand."

At the city of Norfolk, Va., accommodations are needed for the following governmental offices now established: Post-office, customs service, supervisor of steam-boats, inspector of steam-boats, Marine-Hospital Service, Internal-Revenue Service, United States court room, district judge's office, circuit judge's office, clerk's office, United States marshal's office, district attorney's office, court library, Signal Service office, naval pay office.

Two of these offices are now occupying quarters outside of the public building, to wit, the naval pay office and the Signal Service office; and the rest are crowded into one building which has no capacity for their suitable accommodation.

The Government building at Norfolk was begun in 1852, now thirty-five years ago, and since that period Norfolk and its environs have tripled, probably quadrupled in population, and the necessities of the Government for office accommodations have largely multiplied.

Norfolk is the second city of Virginia in population. In 1880 the census showed 21,966. Now it is considerably over 30,000, and some 60,000 are within it and its environs, including the adjacent towns and villages.

It ranks fourth among the cotton ports of the Union, and is in the front rank of cotton markets. Receipts for the year 1886–'87 were 556,538 bales. Shipments, 557,646 bales. For the past thirteen years the exports and shipments were 7,227,695 bales. The value of the exports of this article for the year 1886–'87 was $14,419,121. To the business of the year may be added 1,312,972 tons of bituminous coal shipped coastwise and foreign, and 300,000,000 feet of lumber.

Norfolk is practically the terminus of six great lines of railway; the Norfolk and Western, which traverses the entire State from east to west, by its connections opening the way to the more southern States; the Seaboard and Roanoke; the Norfolk and Southern; Chesapeake and Ohio; the New York, Philadelphia and Norfolk; and the Atlantic and Danville (now in course of construction).

Two canals, the Albemarle and Chesapeake and the Dismal Swamp, also contribute to the carrying trade and commerce of the city.

From its port regularly arrive and depart 76 steam-ships and steamboats, representing 16 steam lines, besides over 1,000 sea-going sail-vessels, bay and river craft, oyster and truck boats.

Here, also, are six powerful cotton-compresses, affording great facilities for lading the staple, and giving employment to hundreds of operatives, and a grain-elevator (lately constructed) of large capacity.

Its manufacturing business is extensive, and it is the seat of cotton, flour, lumber, and fertilizer mills, foundries, car and locomotive works.

At Norfolk is located the United States navy-yard, the most important on the coast; naval and marine hospitals.

The judicial district in which Norfolk is located comprises fifty-one counties, with a population in 1880 of 750,668. The admiralty business of the court is large and important and is rapidly increasing, and imposes constant attention and service upon the court.

The post-office is now in a part of the basement of the old public building, and its location is damp, cramped, ill-ventilated, and inconvenient. The postal business is large and rapidly increasing. How rapidly it has enlarged in ten years is shown by the following comparative statement:

The total number of pieces of mailable matter handled by the carriers' division for the year ending June 30, 1878, was as follows:

| | |
|---|---|
| Pieces delivered | 1,067,878 |
| Pieces collected | 831,128 |
| Total | 1,899,006 |

As per my report of the business of this division for the year 1887 (ending June 30), we have the following showing:

| | |
|---|---|
| Pieces delivered | 2,692,709 |
| Pieces collected | 1,566,488 |
| Special-delivery letters | 1,501 |
| Total | 4,260,698 |

Equal to an increase of nearly 225 per cent.

Another exhibit of the increase is shown in the number of registered letters delivered by carriers in 1879 and 1887:

| | |
|---|---|
| In 1879 | 1,327 |
| In 1887 | 6,523 |

An increase of nearly 500 per cent.

The income of the office in 1880, when postage was much greater than at present, was $35,851.41. During the past fiscal year, as per statement, the income from sale of stamps, etc., was $47,055.71, a very large increase. This year the income will reach over $50,000.

The appended business statement of the post-office for the last fiscal year, and the appended communications from M. Glennan, esq., postmaster at Norfolk; Hon. R. W. Hughes, United States judge for the eastern district of Virginia; W. R. Mayo, esq., collector of the port, and Naval Pay Director Caspar Schenck, enforce the views we have presented as to the necessity of a new building to supply proper accommodations.

## APPENDIX A.

*Statement of business for the year ending 30th June, 1887.*

### GENERAL ACCOUNT.

*Receipts.*

| | |
|---|---|
| Sale of stamps, envelopes, cards, etc | $44,824.26 |
| Postage from newspapers and newsdealers | 367.11 |
| Box rents | 1,859.25 |
| Sales of waste paper, etc | 5.09 |
| Total | 47,055.71 |
| Receipts for the year ending— | |
| June 30, 1885, were | 43,260.27 |
| June 30, 1880, were | 35,851.41 |

*Expenses.*

| | |
|---|---|
| General expense account | 8,190.57 |
| Free-delivery service | 8,019.60 |
| Postmaster's salary | 3,000.00 |
| Net profits of the office | 27,845.54 |
| Total | 47,055.71 |

### MONEY-ORDER BUSINESS.

*Receipts.*

| | |
|---|---|
| Balance on hand July 1, 1886 | 2,241.16 |
| Domestic money-orders issued | 111,231.95 |
| Fees on same | 867.89 |
| Postal notes issued | 11,664.17 |
| Fees on same | 173.40 |
| Fees on duplicate notes | .06 |
| International money-orders issued | 17,656.36 |
| Fees on same | 196.70 |
| Deposits received | 350,835.00 |
| Errors as per Auditor's circular | 25.16 |
| Total | 494,891.85 |

*Disbursements.*

| | |
|---|---|
| Domestic money-orders paid | 121,641.64 |
| Postal notes paid | 9,393.84 |
| International money-orders paid | 956.42 |
| Domestic money-orders repaid | 528.77 |
| Postal notes repaid | 85,59 |
| International orders repaid | 10.00 |
| Errors as per Auditor's circular | .05 |
| Remitted assistant treasurer, Baltimore | 360,415.00 |
| Cash on hand June 30, 1887 | 1,860.54 |
| Total | 494,391.85 |

### GENERAL BUSINESS SUMMARY.

| | |
|---|---|
| Total postal funds received and disbursed | 94,111.42 |
| Total money-order funds received and disbursed | 987,923.16 |
| Paid railroad postal clerks | 6,137.13 |
| Paid free-delivery service | 8,019.60 |
| Paid special-delivery messengers | 120.08 |
| Paid vouchers—ship letters | 19.50 |
| Paid contract mail-messenger service | 558.94 |
| Remitted assistant treasurer United States, Baltimore | 21,132.19 |
| Total | 1,118,022.02 |

### REGISTRY DIVISION.

| | |
|---|---|
| Registered letters received for city delivery | 17,759 |
| Registered letters dispatched | 9,623 |
| Registered packages in transit | 28,314 |
| Total | 55,696 |

### STAMP DIVISION.

| | |
|---|---|
| Stamps sold | 1,504,300 |
| Postal cards sold | 498,000 |
| Envelopes sold | 469,500 |
| Total number of stamps, postals, and envelopes sold | 2,471,800 |

### BOX AND GENERAL DELIVERY.

| | |
|---|---|
| Registered letters delivered | 11,776 |
| Letters delivered | 966,590 |
| Postal cards delivered | 336,894 |
| Newspapers, etc., delivered | 644,326 |
| Packages merchandise, books, etc., delivered | 70,718 |
| Total | 2,029,764 |

### LETTER-CARRIER'S DIVISION.

| | |
|---|---|
| Registered letters delivered | 6,523 |
| Mail letters delivered | 1,216,628 |
| Mail postals cards delivered | 295,728 |
| Local letters delivered | 142,753 |
| Local postal cards delivered | 120,835 |
| Newspapers delivered | 910,241 |
| Letters returned to office | 413 |
| Letters collected | 1,060,345 |
| Postal cards collected | 393,669 |
| Newspapers, etc., collected | 102,374 |
| Special-delivery letters | 1,501 |
| Total | 4,251,010 |

Number of street letter-boxes, 98; number of "Star" boxes, 44.

### DEAD-LETTER DIVISION.

| | |
|---|---|
| Mailable letters sent to Dead-Letter Office | 1,584 |
| Letters held for postage and mailed | 720 |
| Letters held for postage and sent to Dead-Letter Office | 144 |
| Letters returned from hotels | 131 |
| Letters advertised | 1,230 |
| Special-request letters returned to writer | 2,060 |
| Letters forwarded | 9,125 |
| Postal cards forwarded | 2,275 |
| Total | 17,269 |

### MAILING DIVISION.

*Mail originating at this office.*

| | |
|---|---|
| Letters received for mailing | 4,978,132 |
| Letters received for city delivery | 992,500 |
| Postal cards for mailing | 734,711 |
| Postal cards for city delivery | 244,262 |
| Newspapers for mailing | 1,808,523 |
| Newspapers for city delivery | 460,820 |
| Packages of letters tied | 191,675 |
| Circulars for mailing | 210,000 |
| Circulars for city delivery | 65,000 |
| Total | 9,685,623 |

*Mail handled in transit.*

| | |
|---|---|
| Letters received in transit | 680,769 |
| Postal-cards received in transit | 269,420 |
| Packages letters in transit | 54,826 |
| Newspapers in transit | 422,650 |
| Total | 1,427,665 |

*Mail-pouches and tie sacks.*

| | |
|---|---|
| Lock pouches received | 14,260 |
| Lock-pouches dispatched | 14,800 |
| Tie sacks received | 5,122 |
| Tie sacks dispatched | 6,800 |
| Total | 38,982 |

*General summary of pieces of mail handled.*

| | |
|---|---|
| Pieces delivered through boxes and general delivery | 2,029,764 |
| Pieces handled by carriers | 4,251,010 |
| Letters, etc., dead-letter division | 17,269 |
| Pieces of mail originating in this office | 9,685,623 |
| Pieces of mail handled in transit | 1,437,665 |
| Total number of pieces of mail handled | 17,411,331 |

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## APPENDIX B.

*Letter from M. Glennan, postmaster.*

UNITED STATES POST-OFFICE,
*Norfolk Va., February* 9, 1888.

SIR: I am in receipt of your letter of January 27, desiring to obtain full information as to the necessity for the construction of a public building for the accommodation of the post-office, United States courts, etc. In reply I have the honor to make the following report:

There is an unquestioned necessity for such a building, that will give better accommodation for the postal business of this city, as the following facts will show, and as to the needs of such a building for the use of the United States courts and other Government offices located in this city the letters of Hon. Robert W. Hughes, judge of the United States district court, and Capt. W. R. Mayo, the collector of the port and custodian of the present Government building, will testify.

### THE FLOOR SPACE IN USE.

In reply to your question as to the amount of floor space devoted to the business of the office, I would state that, excluding the "lobby" (No. 1) and hall (No. 5), as per diagram inclosed, there are 2,940 square feet devoted to the needs of the post-office. The lobby is a dark, damp, dismal place, located under the steps and porch of the main building, and has an area of 1,835 square feet, and the hall alluded to is in the rear of the main post-office room and between the postmaster's office and mail-room, with an area of 285 feet, making a total of 5,060 square feet set aside for the uses of the post-office.

This space is slightly more than half of what may be denominated the basement of the custom-house, and it comprises what was originally intended for storage room for the customs department. It is entirely unsuited because of location, ventilation, light, lack of space, etc., for the postal business of this city. It is devoid of all conveniences for the use of this service, and is inadequate for present needs, and unfit for the rapidly-increasing demands of this branch of the Government business. Even if suited because of proper location, ventilation, etc., it would require the remainder of the basement floor space, about 1,600 additional square feet, now used for storerooms, etc., by the custom-house, to properly accommodate the present wants of this office. As it is, however, the entire business of the post-office, comprising the mailing department, the letter-carrier service, the general delivery of the mails, the stamp,

money-order, registry, remittance, and special-delivery business, is transacted in "Room 2," as per diagram, containing an area of 180 square feet.

### A CONTRACTED DEPARTMENT.

In the small area of 14 by 24 feet, railed in from the other portion of this room, is transacted the entire money-order, registry, remittance, and stamp division of this office.

In this small space are received the daily remittances from twenty-nine money-order offices, amounting last year to $350,835. Here 55,696 registry letters and packages were received and dispatched, $141,805.69 of money-order business was transacted, and $492,531.31 were disbursed.

In this space, besides, 2,471,800 stamps, postal-cards, and envelopes were sold, amounting in value to $44,824.26, and the total money business transacted in this limited space reached the sum of $1,118,022.02; a very considerable business. In this space also is located the desk and work of the assistant postmaster. The rest of space of room No. 2 is crowded with the desks, carrier tables, distributing cases of the letter-carrier division, the pouch racks and receiving and distributing cases and stamping tables of the mailing department, the dead letter division, general delivery and special-delivery messenger systems.

It is a perfect labyrinth, requiring a "wiring in and a wiring out" to reach any point. In this space 17,411,331 pieces of mail were handled during the year ending June 30, 1887. "Room No. 4," as shown in the diagram, is devoted to the receipt and dispatch of the mails from and to the various postal routes and mail-contractor, besides as the waiting-room for 13 carriers and 3 substitute carriers, and also for the use of the 15 railway-postal clerks who run into this office. Here is also located the pouch stalls and racks, the desks and assorting tables of the railway-postal clerks, the weighing department for second-class matter, and the janitor's articles, besides the wardrobe closets for the postal and mailing clerks. The room measures 25 by 23 feet, and is entirely unsuited for the business it is devoted to. "Room No. 5," or hall-way, between the postmaster's room and the room No. 4, is a dark passage-way leading to the rear entrance of the building, and is used as a storage room for the office.

### THE INCREASE IN POSTAL BUSINESS.

In reply to your inquiry, "To what extent has the postal business in your city increased in value in the last ten years, and what is the prospect for future growth in the next ten years?" the following facts will illustrate:

I have no data as to the business value of the office earlier than 1880, eight years ago. In the report of the Postmaster-General for the fiscal year ending June 30, 1880, I learn that the revenue of this office for that year was the sum of $35,851.41; then the rate of postage was much higher that at present. I took charge of the office in July, 1885, and the business of the office for the fiscal year ending June 30, 1885, was $43,260.27. The business for the following year, ending June 30, 1886, was $45,915.85, and the business for the year ending June 30, 1887, reached $47,055.71. For the seven months of the present fiscal year the receipts are $30,397.71, as against $28,084.38 for the previous year, same period, indicating that the revenue for the present fiscal year ending June 30, 1888, will go beyond $50,000, showing an increase of more than $15,000 in revenue since 1880; and for this increase in the past eight years I feel that I can safely predict that the revenue within the next ten years will reach the sum of $75,000 to $80,000, possibly more.

### THE INCREASE IN WORK.

But it is not so much the increase in the revenue of the office as it is the very great increase in the work and amount of mail matter received and dispatched by and from this office that, more especially, a new office with much greater space and convenience to handle the same properly. The increase in this respect is far greater than the increase in the revenue of the office, and it is this which especially renders the present office so unfit for the work that is thrown upon it. I present the following facts in this connection. I have no data further than 1878 in relation to the amount of mail matter handled by this office, and that concerns the work of letter-carriers' division for the fiscal year ending June 30, 1878, as follows:

| | Pieces. |
|---|---|
| Amount of mail matter delivered by the carriers for that year | 1,067,878 |
| Amount collected by them | 831,128 |
| Total | 1,899,006 |

During the fiscal year ending June 30, 1887, nine years afterwards—

| | Pieces. |
|---|---|
| Amount of mail delivered by the carriers | 2,692,709 |
| Amount collected | 1,556,388 |
| Total | 4,249,097 |

Or an increase of 225 per cent. Further, in 1878, the number of registry letters delivered by carriers was 1,327, while the number delivered by the carriers during the fiscal year of 1887 was 6,523, an increase of nearly 500 per cent.

### THE MAILS.

But in the number of the mails arriving and departing from this office is demonstrated a most remarkable increase. Only as far back as 1882, six years ago, the number of mails received and dispatched daily from the Norfolk office was 10, while at present there are received and dispatched daily 40, with a further increase looked for. This shows an arrival and departure of 2 mails every hour for 20 hours. Another marked fact showing the increase in the work of this office is that while in 1886, not quite two years ago, the number of registry letters and packages handled by this office was 39,102, during the fiscal year of 1887 the number handled was 55,696—a very heavy increase. A general summary of the pieces of mail handled in the fiscal year of 1887 will also give an idea of the work of this office, as follows:

| | |
|---|---|
| Pieces delivered through boxes and general delivery | 2,029,764 |
| Pieces handled by carriers | 4,251,010 |
| Letters and dead-letter division | 17,269 |
| Pieces of mail originating at this office | 9,685,623 |
| Pieces of mail handled in transit | 1,437,665 |
| Total number of pieces handled | 17,411,331 |

### GENERAL BUSINESS SUMMARY.

If the above gives an indication of the work of this office in the amount of the mail matter handled, the data of the money-order branch of the office will give an additional insight into the business of this office, as well as its general business summary.

The receipts of the money-order business during the fiscal year of 1887 amounted to $491,498.98, nearly half a million dollars, while the general business summary shows the following:

| | |
|---|---|
| Total postal funds received and disbursed | $91,831.70 |
| Total money-order funds received and disbursed | 982,997.98 |
| Paid railway postal clerk | 6,048.77 |
| Paid free delivery service | 6,772.93 |
| Paid special delivery messenger | 96.00 |
| Paid voucher ship letters | 21.70 |
| Paid mail messenger service | 571.18 |
| Remitted assistant treasurer, Baltimore | 22,017.63 |
| | 1,110,357.89 |

### BUSINESS AS A POSTAL DEPOSITORY.

The Norfolk post-office is the depository of the postal funds for the post-offices of Boykins, Eastville, Franklin, Fort Monroe, Hampton, Matthews C. H., National Soldiers' Home, Portsmouth, Smithfield, and Suffolk, Va., and for the post-offices of Battleborough, Edenton, Elizabeth City, Hertford, Macon, Murfreesborough, Nashville, Plymouth, Rocky Mount, Roxborough, Selma, Snow Hill, Smithfield, Toisnot, Whitaker, Williamston, Wilson, Winton, and Windsor, N. C. From these offices last year the sum of $350,835 was received, and the remittance from the office to the assistant treasurer at Baltimore amounted to the sum of $369,415, an excellent amount.

### INCREASED SECOND-CLASS PUBLICATIONS.

Another indication of the heavy advance as to the work of the office is the increase in the number of second-class publications entered at this office. In 1885, when I took charge, there were only seven publications on the rolls of the office, while the number at present on the list number twenty, all of which show the need of greater facilities.

### AS A DISTRIBUTING OFFICE.

The Norfolk office is a distributing point for a very considerable area of country. There are seven railway postal offices running into and from this office. It distributes mail for the counties of Norfolk, Princess Ann, Isle of Wight, Southampton, Sussex, Surry, and the James River offices to Richmond, in Virginia, and for the counties of Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hertford, Northampton, Bertie, Washington, Beaufort, Tyrrell, and Dare, in the State of North Carolina. These counties in the States contain a population estimated at 315,000, and have 252 post-offices, for all of which Norfolk receives, makes up, and distributes the mail. Few offices, if any, of the standing of the Norfolk post-office, have so large a territory to work mail for, and the facilities for the transaction of the business are of the most limited character, cramped, crowded, and ill-suited, as previously stated.

### THE CITY MAIL SERVICE.

The mail service for the city proper is shown by the facts that through the box and general delivery 2,029,764 pieces of mail were delivered during the fiscal year of 1887, and that the letter-carrier division handled 4,251,010 pieces; a total of 6,280,774 pieces in the two departments, or an average of 17,500 pieces a day.

The office makes six deliveries of mail by the carriers, has a mounted service for the adjacent country with two deliveries a day, while it makes nine collections daily, thus affording to the public, notwithstanding the crowded and cramped space to work in, every possible facility for the delivery, collection, and dispatch of mails.

### GROWTH IN THE POPULATION AND BUSINESS OF THE CITY.

The growth in the population and business of the city demands, in my opinion, an additional public building, with all the conveniences for the transaction of the business of the post-office, the United States courts, and the other Federal offices located in the city. Norfolk within the past fifteen years has rapidly increased in business and population. In 1875 its population was less than 18,000. To-day it is estimated at 32,000 to 34,000, an increase almost double; and in the next ten years it is reasonably expected that it will run beyond 50,000. Within a radius of 5 miles from the market house there is estimated a present population of 70,000. It is a growing, progressive city, the first commercial city in the State, 8 miles from Hampton Roads, and only 23 from Capes Charles and Henry, the gate-way to the Atlantic Ocean. The Norfolk and Western Railroad, the Seaboard and Roanoke Railroad, the New York, Philadelphia and Norfolk Railroad, the Norfolk Southern Railroad, the Chesapeake and Ohio Railroad, the Atlantic and Danville Railroad, the Virginia Beach Railroad, the Western Branch Railroad, the Norfolk Terminal Railroad, and the Ocean Terminal Railroad all connect here, and are our city's trade feeders by rail. New roads are being built and projected. Her canal feeders are the Albemarle and Chesapeake Canal and the Dismal Swamp Canal, and she has steam transportation lines to New York, Baltimore, Philadelphia, Boston, Providence, Washington, and Richmond, and through the sounds and rivers of North Carolina and eastern Virginia.

The trade exhibit for the year 1887, in the various branches of her business, reached the neighborhood of nearly $60,000,000. She exported last year $14,704,000, and her imports reached $158,149. Her port cleared 239 foreign vessels and 1,585 coastwise, with a tonnage of 1,656,360, and 53 foreign and 1,422 domestic vessels entered, with a total of 1,409,395 tons. As a cotton port she ranks high. In 1858–'59 her receipts of cotton were only 6,174 bales, and since then they have reached as high as 800,133 bales a year. Her total receipts of cotton since 1865 to December, 1886, were 9,187,694 bales. In the last few years she has become a great coaling station; receiving last year at the immense coal piers at Lambert's Point nearly 1,000,000 tons. Therefore, with these facts as to the increase in business, population, and importance, and the facts presented as to the remarkable increase in her postal business, I can not but recognize the needs of a new public building for the purposes you mention.

### THE NUMBER OF EMPLOYÉS.

The number of the employés of the postal service connected with and having business with this office amounts to 43, including the assistant postmaster, 10 clerks for the departments, including the janitor, 13 carriers, 3 substitute carriers, a special-delivery messenger, and 15 railway postal clerks.

### PROBABLE COST OF A SUITABLE SITE.

As to the cost of a suitable site, such as you mention, on a corner, centrally located, 140 by 180 feet, I think one could be purchased for a sum ranging from $50,000 to

$65,000, and I think that there are several very admirable locations from which a selection could be made.

I have thus in the above sought to give as thorough information on this important subject as possible, so far as relates to the business of the post-office. The opinion of Judge Robert W. Hughes, embraced in his letter, as to the need of better quarters for the transaction of the business of the United States court, you will find very conclusive, and the general views of Capt. W. R. Mayo, collector of the port and custodian of the building, are able and convincing as to the urgent need for an additional public building.

I have the honor to remain, very respectfully,

M. GLENNAN,
*Postmaster.*

Hon. WILL. A. FRERET,
*Supervising Architect U. S. Treasury Dept., Washington, D. C.*

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## APPENDIX C.

*Letter from Judge Robert W. Hughes.*

NORFOLK, VA., UNITED STATES COURT ROOMS,
*February* 6, 1888.

DEAR SIR: In answer to your letter of inquiry of the 3d instant, I beg leave to say, for the information of the Supervising Architect, as follows:

(1) As to the floor space of the rooms now used here for the purposes of the United States courts, I can't give the measurement in square feet; but I will say that it is sufficient, except the room occupied as an office by myself, which is only 10 feet by 15 feet, and is too small.

(2 and 3) As to the present business of the court and its probable increase, I answer, as before, that the superficial floor room is sufficient and is likely to be so for an indefinite time. The residence of the judge here tends to concentrate much of the business of the district here, which otherwise would not be transacted in Norfolk, and this business is increasing and will doubtless continue to increase very much; still the floor room here is and will continue to be sufficient for all court purposes.

(4) The number of regular and constant employés here, including officers of the court, is eight. The number rises to twelve in jury terms. So much for your interrogatories.

I will now state how and why the present apartments of the court are extremely unsuitable for court purposes.

The custom-house building here is an Ionic, or rather a Corinthian, temple. The uppermost story constitutes the apartments of the court. The deep cornice of this style of architecture prevented the windows of this story from being made full height. They are but half windows. The result is very defective light. In cloudy days we invariably have to light the chandeliers when the court is in session. This necessity aggravates another defect of the court-room, viz, the defective ventilation consequent upon insufficient window openings. Unless the half windows and the doors are kept open when the court-room is at all crowded the atmosphere becomes almost insufferable. The opening of windows produces another trouble, which is sufficiently embarrassing even when they are closed. I mean the trouble of outside noises. We are surrounded by cotton-presses, which are continually belching forth their harsh, hoarse screams. I think there are four or five of these presses within a hundred yards of the custom-house.

In front of the building is Main street, noisy with drays, omnibusses, mail-carts, street cars, and many other vehicles and noise-producing things. Immediately in the rear of the custom-house is Wide Water street, which is traversed by railroad locomotives under full steam, drawing long trains of freight cars, loaded and empty.

Besides all this, we are in immediate vicinity of Norfolk Harbor, all the time alive with steamers, tugs, ferry-boats, and steam-launches, bound by the laws of navigation to give constant signals indicating their movements and courses.

A single hour in court at any time would prove to the Supervising Architect that the custom-house is not a proper place in Norfolk for trying cases dependent upon listening to witnesses, lawyers, and officers.

Yours, sincerely,

R. W. HUGHES.

M. GLENN, Esq.,
*Postmaster, Norfolk, Va.*

## APPENDIX D.

*Letter from W. R. Mayo, esq., collector.*

CUSTOM-HOUSE, NORFOLK, VA.,
*Collector's Office, February 8, 1888.*

DEAR SIR: Your letter of the 6th instant, requesting that I give you my views as to the necessity for another United States public building in this city, is to hand. In replying, I shall confine myself to what has been my experience during the period for which I have acted as custodian of this building, the only one now in the city belonging to the United States. It is known generally as the custom-house, and the room therein is apportioned out to the Treasury Department, Postal Department, and the United States courts.

The various branches of the Treasury Department occupy the entire main floor of the building and nearly one-half of the basement, the Postal Department is given the other half, or a little more than half of the basement, and the United States courts occupy the entire upper story. All of the space allotted to the Treasury Department under the present arrangement is fully taken up, and is needed for the requirements of this branch of the public service, and if the increase in the business of this port, now so confidently expected in the near future because of the rapid extension of the railroad systems centering here into the West and Southwest, comes, a demand for more space for customs purposes will surely follow, which demand must be met by an encroachment upon that part of the building now occupied as a United States post-office. The Postal Department, as has been said, occupies somewhat more than one-half of the basement of this building. My experience teaches me that had this branch of the public service the entire use of the whole basement it would yet be inadequately supplied, in point of space, for a proper conduct of its business; then space alone is not all that is needed and can not be had in conducting the postal service in its present quarters.

The conveniences and arrangements in the present post-office are mere make-shifts; are devised and are the outcome of absolute necessity. Instead of the post-office being especially arranged to meet the demands of a daily increasing postal business, the arrangement for transacting this business has to be warped, and twisted, and distorted, in order to conform to the pitiably inadequate quarters. I do not think I exaggerate when I say that there is not one single modern convenience and requirement, so far as quarters are concerned for the transacting of the business of the postal service as represented in this city, fully met or complied with in what is now the post-office. More light, more air, more room for large boxes, better interior arrangements, and much less dampness, are sadly needed, and are not to be had in the present post-office.

The upper story, used for the United States courts, wherein it may be large enough to supply the demands for the purpose yet, owing to the location of the building in the most noisy and busy part of the city, it is impossible to conduct the business of the courts with any degree of satisfaction; indeed, sometimes the business is entirely broken off for the time being by the uproar outside. This no doubt would seem strange were it not known that the building is located directly between the two thoroughfares carrying nearly the entire business of the city, and while being directly upon one it is not removed, save by a few feet, comparatively, from the other, and upon both of which are laid railroad tracks, in constant use day and night, to say nothing of the heavy and continuous passage of heavy vehicles of all sorts drawn by horses. Aside from these objections there are also others. The court-room proper is poorly lighted, having only half windows, and is badly ventilated. I have known, during the trial of important cases, when the room was somewhat crowded, the air in this room to be almost stifling. And, finally, the acoustic properties are so bad as to render the room undesirable as a court-room.

I have endeavored to present my views in detail, with my reasons for holding them, and fear I have been, therefore, prolix; but I believe good, practical reasons, going to show that the Government itself requires more house room in which to conduct properly and with fairness the people's business, are the only ones that may be candidly presented as cause for expenditure in any particular place of the public funds. Therefore, I have thus presented my reasons, which may be summed up in this: That another United States public building is needed in Norfolk, because the only one now here, and which has been used as domicile for all the branches of the Government here, has ceased to be longer available for this purpose, particularly wherein it fails to supply the absolute needs, to say nothing of the conveniences, of the postal department and department of justice, it being impossible longer, within this present building, to properly conduct the business of either of these departments. I know not what may be your views or those of the honorable United States district judge

but after due consideration these embrace my convictions, based, as I have said, upon experience as custodian.

Very respectfully,

W. R. MAYO,
*Collector and Custodian.*

I desire to say that all my remarks relate to the building and not to the furniture or the personnel.

W. R. MAYO.

M. GLENNAN, Esq.,
*Postmaster, Norfolk, Va.*

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## APPENDIX E.

*Letter from Pay Director Schenck.*

NAVY PAY OFFICE,
*Norfolk, Va., February* 5, 1888.

SIR: In reply to the questions contained in your letter of the 3d instant I have respectfully to make the following statements:

(1) My office at present occupies about 820 square feet of space.

(2) This space serves for the present business, but I think that about 200 square feet additional could be used to advantage.

(3) From present appearances it is likely to be considerable. It is not improbable that it may double within the next ten years.

(4) At present there are three employés, beside myself; this number is likely to increase.

(5) The rent paid is $400 per annum, with water tax additional. It is renewable at that rate to July 1, 1889; beyond that time your knowledge of the prospective increase of business in Norfolk will enable you to answer the question better than I can.

Very respectfully,

CASPER SCHENCK,
*Pay Director, U. S. Navy.*

M. GLENNAN, Esq.,
*Postmaster, Norfolk, Va.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 786.

# IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1888.—Ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill S. 1171.]

*The Committee on Claims, to whom was referred Senate bill* 1171, *do make the following report:*

The material facts upon which this claim is based are fully set forth in the findings of fact made by the Court of Claims in Congressional case No. 75. That case was referred to the court from this committee, and a petition was filed in the names of Louisa S., George P., and Frank W. McDougall, under the provisions of the act of March 3, 1883. Afterwards, on December 1, 1884, the same case was referred to the Court of Claims by the Secretary of the Interior, under the provisions of section 1063 of the Revised Statutes, which authorized in certain cases the rendition of a final judgment, whilst under the former reference only the facts could, in any event, be found. The latter reference became case No. 14507, John Paul Jones, administrator, etc., *vs.* The United States. The petition was filed on December 13, 1884, and on the 3d day of May, 1886, judgment was rendered in favor of the administrator for $81,250.

From this judgment the Attorney-General, on May 25, took an appeal to the United States Supreme Court, which came on for hearing at the following term, and on March 28, 1887, the judgment was reversed and the cause remanded, with instructions to dismiss the petition. Congressional case No. 75, which was still pending, was then tried, and the same findings of fact made, upon which the Supreme Court rendered their opinion. In the mean time an appropriation of the amount necessary to pay the judgment of the Court of Claims had been included in the deficiency bill of August 4, 1886 (24 Stat., L., 280), and now stands to the credit of the administrator on the Treasury books.

This is not, as shown by the findings of the Court of Claims, the only case of this character which has been presented to Congress. Before the present jurisdiction of the court was conferred, this case, with several others, in which all the material facts were identical, were presented to the court and reports made to Congress against their payment, upon the ground that there was no legal liability on the part of the Government. This view of the law has been sustained by the Supreme Court in the case of the United States *vs.* Jones, above referred to. After jurisdiction to render final judgments was conferred a different theory of law was adopted by the court, and in numerous cases, all of which depended on exactly similar statements of fact, judgment was given for the claimants.

(Fremont's case, 2 C. Cls. R., 461; Fremont and Roache's case, 4 C. Cls. R., 252; Belt's case, 15 C. Cls. R., 92.)

In none of these cases was an appeal taken to the Supreme Court, but the money was appropriated, in due course, as all other judgments of the Court of Claims are appropriated for and paid.

Three other cases are brought to our attention, all of which received careful and favorable attention by Congress.

Samuel Norris's case (2 C. Cls. R., 155) was referred there by special act of Congress after a report had been made by the court under its former jurisdiction, and judgment was given for $69,900, which was also paid.

Samuel J. Henley was paid by special act (12 Stat. L., p 847) the sum of $96,575.

The first person, however, who was relieved by Congress, under the same circumstances, was Gen. John C. Fremont. Congress appropriated $183,025, with 10 per cent. interest, to pay him for supplies furnished under identical circumstances, and at the same time (10 Stat. L., p. 804).

The facts in the present case are set forth with particularity in the report from the court, and need not be referred to at length here, but we think it proper to quote with approval from the report in the Fremont case (Report No. 289, House, Thirty-third Congress, first session), and to adopt the following language as applicable to McDougall's claim:

Commissioner Barbour, to execute the stipulations of the treaties, made a contract with Col. J. C. Fremont to furnish the requisite amount of beef. This contract, however, was not concluded until the commissioner ascertained that Fremont's proposals were the lowest of all those offered. There was no express authority of law to make the contract, and yet the general authority with which he was clothed to treat, coupled with the emergencies of the occasion, fully justified him in assuming that the legislative and executive departments would sanction his purchase, which was to terminate the war and save the Indians from perishing. The emergency was too pressing for him to await instructions from the Department, or for the Congress to meet and make the necessary appropriation, and your committee believe that the Government should recognize the act of this agent, when it is manifest that he acted in good faith, and as most humane, discreet men would have done under similar circumstances.

The liability was incurred before the treaties were submitted to the Senate, and yet it was not for the personal benefit of the agent. The Government derived great benefit from the purchase; it secured our citizens in the unmolested enjoyment of the rich "gold diggings," and it saved from ruin and death the Indians whom our citizens had despoiled of their homes, and destroyed their only means of subsistence. Having derived all these advantages from the purchase which made this liability, would it be generous or just to one of our agents or citizens to refuse its payment because an appropriation had not been previously made? Or will it be pretended if Congress had been in session at the time, and had been made fully acquainted with the emergency, that it would have refused the appropriation?

It would be unjust to our national reputation to suppose that the Congress would have allowed those Indians to perish from hunger after our own citizens had despoiled them. It was cheaper to feed than fight these starving savages, and the food furnished by Barbour was better economy than to have maintained battalions and regiments to subdue the Indians. Was Barbour trustworthy? For upon this, in a measure, depends the answer to the question whether he acted in good faith, and from a laudable desire to advance the interests of the public. Your committee attached so much consequence to this point in the case, that they sought, by inquiries directed to persons who were acquainted with him, for information which would enable them to speak positively upon that subject.

The eighth finding of the court and the history of this and the other similar claims show that but for the prompt action of the claimants in furnishing to the then hostile Indians large quantities of beef and provisions, a long and bloody war must have ensued. It shows further that the only title which the United States Government has ever acquired to the Indian lands of California was by virtue of the treaties of which the supplies, for which payment is now sought, was the most

material and important element. In this connection the Supreme Court say, in Jones's case:

> That such a policy was, under all the circumstances, vital to the ends which those in charge of Indian affairs desired to accomplish may be conceded under the facts found by the Court of Claims; and it may be that information of the proceedings of Wozencraft and his colleagues in making contracts for the supply to the Indians with provisions, beef, etc., and in all other respects, was given to the proper Department at Washington; and that what they did was either approved or was not repudiated. While all this may be admitted, the question comes back upon us, what statutes, in express words or by necessary implication, vested Wozencraft with power to bind the United States by such a contract as that made with McDougall, even had he been previously directed or authorized by the Interior Department to make contracts of that character in holding treaties with the Indians.

It will thus be seen that whilst the Supreme Court recognized the vast benefits which have accrued to the United States they deny relief upon technical grounds. The Court of Claims had not, at the time this action was brought, equity jurisdiction. Claimants were required to show a strictly legal liability upon the part of the Government, and this could not be done in this case.

The Supreme Court in discussing this question and in speaking of the general policy pursued by the commissioners in California say:

> That the policy pursued by Wozencraft and his colleagues was the only one that would have given peace to the inhabitants of California; that the Indians were induced by promises of subsistence held out to them to abandon their lands to the whites and settle upon reservations selected for them, and that the United States thereby acquired title to the land so abandoned, are considerations to be addressed to Congress in support of a special appropriation to pay the administrator of McDougall. They do not, in our judgment, establish or tend to establish a claim against the United States enforcible by a suit.

So far as your committee knows this is the only claim of this kind remaining unpaid. All the rest have long since been paid by special act or by judgment of the Court of Claims. The money to pay this claim in full is appropriated and now stands to the credit of the administrator upon the books of the Treasury.

Your committee, therefore, recommends the passage of the accompanying bill, which authorizes the payment to the legal representative of the late George McDougall of this said sum, with the following amendments: After the word "administrator," in the eighth line, insert the following words to wit, "eighty-one thousand two hundred and fifty dollars," and by inserting at the end of the bill the words "but without interest or cost."

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 787.

# IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1888.—Ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 499.]

*The Committee on Claims, to whom was referred the bill (S. 499) for the relief of William H. Crook, have considered the same, and submit the following report:*

By the act of July 4, 1836, the President of the United States was authorized to appoint a "Secretary to the President to sign land patents," at a salary of $1,500 per annum. This officer had no other duty except to sign the President's name and his own name to such patents. By the act of June 20, 1878, this office was discontinued, and the President was directed to designate one of his executive clerks to sign such land patents. The President designated William H. Crook, who then was and has since been an executive clerk at the Executive Mansion at an annual salary of $2,000, to perform this duty. Mr. Crook continued for four years, under this designation, to sign these patents; and the object of this bill is to give him, in addition to the $2,000 per annum paid him as executive clerk, the sum of $1,000 per annum for the new duties imposed upon him by the act of June 20, 1878.

The committee are of the opinion that the office of secretary to the President was abolished in the interests of economy, and because Congress and the President thought that an executive clerk could be found who had enough leisure to assume these extra duties. Careful inquiry has satisfied the committee that such is the case; that the clerk at the Interior Department, who now signs these patents and has no other work to perform, were he to work continuously, would not be occupied more than three half days in the week; and that any executive clerk, who is the disbursing officer for the few employés at the Executive Mansion and the keeper of its reception room, can well afford to assume such additional duties in return for his salary of $2,000 per annum, and has abundant spare time for their discharge. Your committee are also of the opinion that these new duties are peculiarly of an executive character, and are especially appropriate to the office of an executive clerk at the Executive Mansion.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 788.

# IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill H. R. 6887.]

*The Committee on Claims, to whom was referred the bill (H. R. 6887) for the relief of Henry Brock, having considered the same, submit the following report:*

The facts in the case are fully stated in the report of the Committee on Claims of the House of Representatives, made on February 7 last, which your committee adopt as a part of this report, and recommend the passage of the bill.

Said report is as follows:

[House Report No. 303, Fiftieth Congress, first session.]

The Committee on Claims of the House of Representatives, to whom was referred the petition and papers of Henry Brock for compensation for rent, repairs, etc., of his house on New Jersey avenue, Washington, D. C., having had the same under consideration, respectfully submit the inclosed bill, with the recommendation that it do pass.

The Committee on Accounts of the Forty-ninth Congress submitted to the House of Representatives two reports in regard to the claims of Mr. Brock. In a report submitted July 20, 1886, the committee found to be due Mr. Brock "for rent of house No. 200, New Jersey avenue, S. E., and repairs," the sum of $82. A report submitted by the same committee July 21, 1886, found also due said Brock "for damages to the premises while the same were occupied and used by order of the House of Representatives," the sum of $305. Both of these reports were referred to the Committee on Appropriations of the House of Representatives of that Congress, but this committee failed to make appropriation for the benefit of said Henry Brock, declaring that the claim, having arisen under order of a previous Congress, should be duly considered by the Committee on Claims.

Your committee have given the subject of the claims of said Henry Brock careful investigation, and find justly due him the sum of $387. The passage of the accompanying bill is, therefore, respectfully recommended.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 789.

# IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Claims, submitted the following

## REPORT:

[To accompany petition of Ernest Hodder.]

*The Committee on Claims, to whom was referred the petition of Ernest Hodder, praying that his claim for pay allowed by the Fourth Auditor of the Treasury but rejected by the Second Comptroller be referred to the Court of Claims, submit the following report:*

The petitioner, Ernest Hodder, was an acting master's mate in the U. S. Navy, on temporary service. On November 30, 1862, he was ordered to deliver a prize to the proper officers at the port of Philadelphia, make certain reports, and that finally, when duly notified by the judge, prize commissioners, or district attorney that his services were no longer wanted by the court, he was to return at once to his vessel.

On June 3, 1863, the Secretary of the Navy ordered that Hodder's appointment as an acting master's mate be revoked, to take effect from December 23, 1862, and in a letter inclosed with this order Hodder was re-appointed to the same position to date from June 3, 1863. This action deprived Hodder of his pay between the two last-mentioned dates, and was taken, as stated in the letter of the Secretary of the Navy, because Hodder failed to return to his vessel after having been discharged by the prize court as he was directed to do in his instructions.

It appears by the papers in the case that Hodder made application in the Fourth Auditor's Office of the Treasury Department, in 1886, for payment of what he claims he was wrongfully deprived of by this action of the Secretary of the Navy, amounting to $195.05. The Fourth Auditor allowed this amount, but the Second Comptroller of the Treasury declined to approve the account because Hodder failed to perform his duty as required by his orders of November 30, 1862.

The petitioner asks to have the case referred to the Court of Claims for decision. As no sufficient excuse is given for his failure to obey orders and return to his vessel when discharged by the prize court, the committee recommend the indefinite postponement of the petition.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 790.

# IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1323.]

The Committee on Military Affairs, to whom was referred the bill (S. 1323) entitled "A bill to confer brevet promotions on officers of the United States Army particularly distinguished by heroic action in Indian warfare, and for other purposes," have had the same under consideration, in connection with two other bills (S. 2021 and 2028) on the same subject, and herewith report back the bill S. 1323, amended, and recommend its passage.

By section 1209 of the Revised Statutes (act approved March 1, 1869) it is provided that the President, "by and with the advice and consent of the Senate, may, *in time of war*, confer commissions by brevet * * * for distinguished conduct and public services in presence of the enemy," etc.

The Senate has refused to construe this provision as authorizing brevet rank to be conferred on officers who for "distinguished conduct and public services" in Indian wars would seem to be justly entitled to receive the benefits (honorary) of the law of 1869. The War Department and the Attorney-General have held that officers in Indian wars could be brevetted during *the existence* of Indian hostilities, and the reason assigned by the Senate for refusal to confirm has been that the Indian was not an "enemy," and that a conflict with Indians could not be termed "a time of war." Assuming this construction of the act of 1869 to be sound, your committee are of the opinion that the construction measures the extent of the reason why it should be extended to include officers who have distinguished themselves as aforesaid in Indian campaigns. In 1869 a number of brevets for services in Indian wars were submitted to the Senate, some of which were confirmed; but there have been no confirmations of this character since.

In 1874 and in 1875 nominations for brevet appointments, based on services rendered in the Modoc and Arizona Indian campaigns, were submitted to the Senate, but were not confirmed.

In January, 1876, all these nominations were resubmitted, but the Senate again adjourned without action.

No further nominations have been made, save in one instance, that of Lieut. E. S. Farrow, Twenty-first Infantry, made in April, 1880, and not confirmed.

In 1878 the President requested the views of the Secretary of War as to the propriety of again submitting to the Senate nominations for brevets for service in Indian campaigns.

On the general proposition, that of conferring brevet rank for distinguished services or heroic action in Indian wars, your committee can conceive of no good reason that would be valid in any war which would not apply with equal force in granting brevets in Indian wars, and concur with General W. T. Sherman, who says:

If brevet commissions are right, and should be conferred for any wars whatever, they should be for Indian wars, because these wars call for the largest measures of risk, exposure, and toil, and every possible stimulus of honor and profit should be held out to encourage officers to struggle for success.

A favorable report was made on this subject from this committee in the last Congress, at which time the committee was in receipt of numerous letters from Army officers of all grades urging that this brevet recognition be awarded; one of the documents, numerously signed by officers, contained the following:

The measure, as reported, authorizes the President to nominate and, with the consent of the Senate, to appoint to brevet rank all officers, active or retired, who have been recommended to this distinction for gallant service in action against hostile Indians since January 1, 1867. The rank thus proposed is entirely honorary, carrying no additional pay; the aim is simply to reward special deeds of heroism. In any other country the gallant exploits of the last twenty years in border warfare would have been acknowledged not only by awarding increased rank but increased pay.

During the war for the Union brevet rank was constantly conferred; and a distinguished general officer once said, brevet commissions certainly belong to Indian wars, if any, inasmuch as they call for the largest measure of risk, exposure, and toil; and every possible stimulus of honor and profit should be held out to encourage officers to struggle for success. In war with civilized nations the soldier has an opportunity to make a name that will be remembered in history; whereas the minor character of Indian operations prevents them from attracting as great attention and from securing permanent distinction to the participants. Yet the labor and the peril are as great in these small operations as in larger ones. The responsibility, courage, endurance, and good judgment required are also as great in Indian warfare; while over it hangs the terrible consciousness that capture often means death by torture with all the fiendish atrocities that savagery can invent. Even were this danger of a horrible death taken away, there is no more reason for depriving heroism of its just reward when displayed in the lonely cañons of the Sierra Madre than when shown in storming the defenses of Petersburgh.

There is still another reason why the pending measure ought to be enacted. There now exists a statute which authorizes the conferring of brevet rank upon commissioned officers "for distinguished conduct and public service in presence of the enemy." Why, then, is not this sufficient? Simply because certain jurists of the Senate have in past years successfully called in question whether a Geronimo or a Sitting Bull is an "enemy" in the sense meant by the statute. It may seem incredible that for twenty years, in the matter of interpretation, the doubt has always been against officers nominated for brevets on account of splendid acts of heroism. This, however, is the case, and in one instance of adverse action on such nominations the Senate Military Committee expressly said that it had no doubt of the meritorious character of the services rendered. Thus a score or more of officers have been deprived of the reward they would otherwise have received, and many of them are now with the dead.

These views accord with those expressed by a House committee which considered this subject in the last Congress:

In other campaigns there is a certain glory or distinction to be won, and an opportunity for promotion and reward, which, owing to the limited theater of operations, and the peculiar nature of wars against savages, does not and can not exist in these campaigns. And yet every highest attribute of a good soldier and officer is called for in these wars. Courage, skill, vigilance, endurance, wisdom, judgment, and unflagging energy, while usually remote from and beyond communication with officers of high rank, are all demanded in these disagreeable and thankless campaigns to protect our remote frontiers.

And with those expressed by General Crook, who said:

OMAHA, *February* 11, 1887.

MY DEAR GENERAL: I see by the papers that the bill allowing brevets for Indian service has passed the House. I do hope you will do all you can to have it pass the

Senate, as it is a righteous and just bill. Gallant service should be recognized without reference to the kind of foe engaged. You are well aware of the onerous and dangerous nature of this Indian service, and as brevets is all that is asked, I hope they will not be withheld longer from the persons who so richly deserve them.

Yours, sincerely,

GEORGE CROOK.

To CHARLES F. MANDERSON.

Capt. E. A. Snow gives quite a graphic account of the heroism and valor displayed by men upon whom it is proposed to confer this brevet rank. He says:

WASHINGTON, D. C., *January* 19, 1888.

DEAR SIR: I have the honor to very respectfully submit to you the following, which are but a few from among many of the instances of personal valor on the battle-field that have come to my notice in Indian warfare:

Captain Bourke distinguished himself on the field so frequently in the Apache campaigns from 1870 to 1873 as to be four times mentioned in general orders for his gallant and heroic conduct, and in other campaigns has frequently been the recipient of honorable and praiseworthy mention for his valor and services in the field, and he has been several times recommended for brevet promotion; but under existing laws, being unable to confer this recognition for valor, the officers ceased to ask for it, or there would be a larger number of instances which I could refer to.

To omit many instances, I will observe that he distinguished himself by leading a charge, on the 17th of March, 1876, on Powder River, and in several charges on the Rosebud, on the 17th of June, 1876, in an engagement with the same Indians who massacred General Custer's command, and eight days before that fight. In this engagement, at the Rosebud, Captain Bourke saved my life after I was shot in the right elbow and left wrist joints, causing total disability. He rode into the very midst of the Indians and rescued me, although the nearest skirmish line was at least a thousand yards away. I could give other instances, but it would make this letter too long.

Major Henry, of the Tenth Cavalry, distinguished himself in this engagement, and so did Major Mills, of the Ninth Cavalry; and Major Mills whipped the Indians and won the first victory after the Custer massacre, and it was one of the most brilliant ones of the campaign. Colonel Hatch, of the Ninth Cavalry, distinguished at a more recent date, and many others. But it will occur that from the frequent and constant Indian warfare that the instances of valor are numerous, and your bill will enable the President and Senate to recognize it by a nominal promotion.

I have the honor to remain, sir, very respectfully, your obedient servant,

E. A. SNOW.

Hon. CHARLES F. MANDERSON,
*United States Senator for Nebraska.*

After full consideration of the subject-matter your committee have struck out the preamble of the bill (S. 1323) and have amended the title and the bill so as to allow brevet rank to be conferred on "all officers of the Army now on the active or retired lists, who, by their department commander and with the concurrence of the commanding general of the Army, have been or may be recommended for gallant service in action against hostile Indians since January 1, 1867," the brevet commissions to bear date only from the passage of this act; the date of the heroic action for which the brevet rank is conferred to appear in the commission; such rank to be only honorary, without privilege of precedence or command not already provided for by the statutes which embody the rules and articles governing the Army.

As amended, the measure has the approval of Lieutenant-General Sheridan, under date of March 29, 1888.

Your committee accordingly report the bill (S. 1323) back favorably, amended as heretofore stated, and recommend its passage.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 791.

IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 2021.]

The Committee on Military Affairs, to whom was referred the bill (S. 2021) entitled "A bill to brevet officers of the Army on the active and retired lists," have had the same under consideration, in connection with the bills S. 1323 and S. 2028, and report the same back adversely, for the reason that the committee have this day reported favorably a bill on the same subject.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 792.

IN THE SENATE OF THE UNITED STATES.

MARCH 31, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 2028.]

The Committee on Military Affairs, to whom was referred the bill (S. 2028) entitled "A bill to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns," have had the same under consideration in connection with the bills S. 1323 and S. 2021, and report the same back adversely, for the reason that your committee have this day reported a bill on the subject favorably to the Senate.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 793.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1841.]

*The Committee on Pensions, to whom was referred the bill (S. 1841) granting a pension to Maria Scales, have examined the same and report:*

That the applicant is the widow of Harrison V. Scales, deceased, who was a private in Company G, Sixty-fifth Regiment of Indiana Volunteer Infantry, who enlisted July 15, 1862, and was honorably discharged June 22, 1865. The soldier was a pensioner at the time of his death, on account of disease of the eyes, at the rate of $4 per month. He seems to have been otherwise in good health. He died on May 9, 1886, at his home in Indiana.

The disease for which the soldier was allowed a pension was opthalmia, occasioning partial loss of sight. The disease of which he died twenty-one years after his discharge was typhoid malarial fever.

With every desire to give the claim of the applicant the most favorable consideration, we are unable to find in it any basis for a pension to her as widow of the deceased soldier. We can not conclude from the evidence on file that the complaint of which her husband died had any connection, either medical, pathological, probable, or actual, with the disease which he contracted in the service, or with his service in the Army.

We therefore recommend the indefinite postponement of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 794.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1539.]

*The Committee on Pensions, to whom was referred a bill to increase the pension of James E. Gott, have examined the same and report:*

The claimant was pensioned at the rate of $24 a month for abscess in left maxillary bone. He applied for increase, which was rejected October 21, 1887, as the Commissioner states in his letter of transmission, "because the disability resulting from the pensioned cause did not incapacitate him for the performance of any manual labor whatever."

The examining surgeon says that his disability is the result of gangrene from the effects of scurvy. Another surgeon, designated by the Pension Office, says: "He is sustained by the removal of two incisors, and draws fluid food through the aperture. It takes him a long time to eat; is poorly nourished. His condition is not the result of bad habits."

The board of examining surgeons who examined him in 1885 report that "his jaws are firmly bound together by a cicatrix; he is unable to perform any manual labor."

The claimant was a private in Company A, Fourteenth Maine Volunteers. A petition to Congress praying for increase, signed by 120 citizens of the town of Deer Isle, the home of the soldier, state on their personal knowledge that in consequence of the flesh on the inside of his mouth adhering or growing to the jaw he is unable to open his mouth or to take any solid food; that he is a great sufferer, unable to labor, and requires the attendance of another person.

It is apparent to the committee, after a careful investigation of the case, that he is not only utterly incapacitated to perform any kind of labor, but that his emaciated condition, and the peculiarities of his case not only require the attendance of a person to take care of him, but make the occupation of his nurse a very unpleasant duty.

The committee does not undertake to reconcile the conclusions of the Pension Office with the very positive existence of the facts as shown by the surgeons appointed to examine him, as well as by his neighbors, who have daily opportunities to know whereof they testify.

With the evidence before us we have no doubt that this soldier is entirely disabled, and that his condition is such as to justify and demand a special act for his relief.

The bill is reported favorably with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 795.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1867.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Mrs. Mary L. Ristine, have examined the same, and report:*

The claimant is the widow of Barnett E. Ristine, who was a private in Company F, Third Iowa Cavalry. He was pensioned for a gunshot wound in left elbow in 1866, and his pension was subsequently increased to $15 and again to $24 a month.

From the history of the case it appears that his was a painful and distressing disability. The wound caused him constant suffering, frequently discharged, and severely taxed his physical endurance. In 1885 he met with an accident which was in the nature of a compound fracture of his ankle. Mortification set in the third day after this injury and he died the fourth.

The widow filed a claim for pension, and alleged that "for a long time her husband had been suffering from blood poison, resulting from the gunshot wound of his left elbow; his general health had been very poor, and in consequence his friends think he could have lived but a short time. On the 3d of September he received the injury to his ankle, and, owing to the condition of his system, he never rallied from the shock of the injury, and died in one week; that had it not been for the condition of his system above described the injury to the ankle would have been a comparatively trivial matter." This theory is corroborated by the physicians who attended him.

Dr. R. J. Mohr, examining surgeon, and late surgeon of the Tenth Iowa Volunteers, testifies that the injured ankle became mortified on the third day after the accident; four days later he died of exhaustion; that it is his opinion that a healthy person would not have died of this injury; and it is also his conviction that, while the injury to his ankle was in a small degree contributory, the principal factor in the cause of his death was the direct result of the wound.

Dr. Calvin Snook testifies that he had known the soldier about twenty-five years; that soldier's poor health was attributed to the wound in his arm, which was painful, and would at times become inflamed and discharge pus; that he had a conversation with the soldier the day before he received the injury to his foot, and from his appearance, and from what he told affiant, he was suffering from septicemia, caused by said wound, and that he examined him after the injury of foot, and in his opinion the wound in foot was not sufficient to have caused the death of a healthy person.

The physician's certificate of death, signed by Richard J. Mohr, M. D., the attending physician, shows that the cause of death was "septicemia from wound of elbow of long standing, complicated by crushing injury of right ankle; death from shock."

The Pension Office rejected the widow's claim on the opinion of the medical referee, that the soldier's death was caused by the injury to his right ankle, and was not a result of his wound.

In the appeal of the claimant to the Secretary of the Interior, the claimant states that by the evidence on file it is shown that for months prior to the soldier's death, and before the injury to his ankle, he had been suffering from septicemia, the result of the absorption of the poisonous products of the wounded arm.

It is apparent to the committee that the man was in a very low condition when the accident to his ankle occurred. His blood was poisoned, and the injury to his ankle only hastened his death, which would inevitably have ensued in a short time had be been spared the last infliction.

The rejection of the widow's claim is based upon the opinion of the medical referee. It is the basis of the affirmation of the Commissioner's decision by the Secretary. In our opinion the weight of testimony does not justify this. The soldier's physicians have delivered with confidence a very different opinion. They saw the soldier, treated him, one of them twenty-five years. The medical referee's opinion is inferential. It is not a strained conclusion to say that the testimony amply justifies the belief that the soldier's death was mainly referable to his wound.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 796.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 655.]

*The Committee on Pensions, to whom was referred the bill (S. 655) granting an increase of pension to Mary Von Kusserow, have examined the same and report:*

The claimant is the widow of the late Lieut. Col. Charles Von Kusserow. She was pensioned October 16, 1880, at the rate of $20 per month, commencing February 3, 1879, the rate being that due to the rank of captain.

It is alleged that his death was the result of sun-stroke, which occurred while he held a captain's commission. At the time of his death he was a lieutenant colonel, and she claimed the pension corresponding with that rank. The office refused on the ground that when the sun-stroke occurred his rank was that of captain, but subsequently the Commissioner agreed to raise the amount to that due to a lieutenant-colonel, in view of the fact that he had a second sun-stroke, which occurred after his promotion. Notwithstanding this concession of the Commissioner it was never done, and the widow is now receiving a pension corresponding with the rank of captain, whereas it is apparent that she should have a rating corresponding with the grade of lieutenant-colonel.

The committee report the bill with an amendment, striking out all after the word "late" in the fifth line, and inserting "Lieutenant-Colonel Charles Von Kusserow, and pay her a pension at the rate corresponding with the rank of a lieutenant-colonel, in lieu of the pension she is now receiving," and recommend that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 797.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 645.]

*The Committee on Pensions, to whom was referred a bill (S. 645) granting a pension to Mrs. Margaret B. Todd, have examined the same, and report:*

This is a bill to pension Margaret B. Todd, widow of Frank G. Todd, a private in Company G, One hundred and eighteenth Regiment Pennsylvania Volunteers. The record testimony shows that he served in this regiment and in the Massachusetts Fifth Artillery from July, 1863, to June, 1864, and that the regimental return for May, 1864, reports him transferred to the Navy. This is all the record testimony that is available; all that apparently is in existence, except that the Fourth Auditor's record credits him with service in the Navy until 1866.

The widow, in her original declaration, claims that he contracted the disease of which he died in 1865 by exposure in the swamps near Port Royal. She can not give nor procure dates, but says it was in consequence of lying on the damp ground at night, and after he was taken sick that he was taken to the hospital at Port Royal, and that he never recovered.

Joseph Thomas, late surgeon of the organization in which the soldier served, says:

> I have no recollection of the party named, nor do I remember having treated such a person. It is quite likely, however, that I did; but in the absence of any record to specially refresh my memory it is quite impossible to make affidavit to any facts touching his claim. The medical records of the regiment were sent to the Surgeon-General's Department on mustering out of the service, and the lapse of over twenty years has entirely effaced the remembrance of a multitude of minor facts relating to men treated by me in the service.

Neither the Adjutant nor the Surgeon-General has any recorded data bearing on the case.

To show the extraordinary straits of this widow in her struggle to prove her claim, the committee quote from a letter written by J. H. Pratt, of Waukau, Iowa, to the Commissioner of Pensions. He says: "Have advertised for officers or comrades without result." By correspondence he learned that there were but about five survivors of Company G, all of whom were seen, but that those alone who could have known the origin of Todd's disability were dead. He is satisfied that the proof required can not be obtained. He speaks of the worthiness of the widow and of her poverty and need.

John R. White, the captain of Todd's company, testifies that—

Frank G. Todd was in good health when he enlisted and for a long time after, but was sent to the hospital to be treated for disease contracted by reason of exposure. I do not remember the time, but remember the fact of his being disabled, and have no doubt that the disease contracted in the service hastened his death.

Mrs. Todd makes affidavit that Dr. Lindsay, who first treated her husband after his discharge, is dead.

Dr. Barnes, of Waukau, Iowa, swears that he was first called to treat Frank G. Todd March 12, 1871; found him suffering from darting, teasing, lacerating pain in the right temporal region, which I diagnosed neuralgia. The pain was the most excruciating it was ever my lot to witness. Many remedies were tried, but nothing gave relief save the hypodermic injections of morphine, which had to be repeated more or less frequently daily to the date of his death, January 29, 1878, from exhaustion. He was unable to perform any manual labor during the time I treated him.

Dr. Barnes's reputation is good.

James McAllister and Isabella McAllister testify, to their certain knowledge, from almost daily intercourse with Frank G. Todd, that from the time of his discharge down to the year 1871, he was sick and confined to his bed; that he suffered from swamp fever and inflammatory rheumatism; that he was confined to his room for two or three months at a time, and was on these occasions attended by Dr. Lindsay.

The reputation of these witnesses is good.

This is one of those cases in which it is impossible to furnish direct and positive testimony required for its admission by the Pension Office, but in the opinion of the committee the proof is quite sufficient to justify relief by special enactment. The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 798.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 7891.]

*The Committee on Pensions, to whom was referred the bill (S. 7891) granting a pension to Cynthia J. Leroy, have examined the same and report:*

After a review of the facts in this case, as set forth in the report of the House committee, appended hereto, your committee concur in the conclusion therein reached, and recommend the passage of the bill.

## HOUSE REPORT.

Cynthia J. Leroy is the dependent invalid daughter of Abraham Leroy, deceased, formerly a soldier in the Sixth Illinois Cavalry, and a pensioner, holding certificate No. 149640 until his death, which occurred March 26, 1887. Claimant's father was pensioned for kidney trouble, from which he died, and his widow made application in May, 1887, for widow's pension. During the pendency of the claim she died, leaving the claimant, a helpless invalid daughter, without any means of support, and dependent upon charity.

The affidavits in support of the claimant are numerous, and strongly appeal to Congress for the relief asked for. W. F. B. Holt testifies that he first became acquainted with Abraham Leroy and his family in the spring of 1847, and the daughter, Cynthia Jane, then a small child, was a cripple, not able to walk a step, but could get about a little by the use of two crutches; and said daughter was totally dependent on her father for maintenance up to 1881, when the family removed to Illinois. His opportunity for knowing the facts stated were being neighbors and visiting the family often, and from personal observation.

Dr. W. B. Sims swears that he has known the claimant, Cynthia J. Leroy, since 1881. That she is and has been a permanent cripple since he has known her; that she is unable to get about, having no use of her lower limbs—being an entire paralysis of lower limbs—totally unable to perform any labor unless with her hands, and but little of that, and was totally dependent upon the father for support during his life-time. Her parents are both dead, and physicians state that there is no possible help for her, or that she will ever be able to maintain herself.

Peter Morehead, Nancy T. Ramsey, and others testify to the helpless and dependent condition of the claimant, and also show that when the soldier died he left no property except a small homestead, worth not to exceed over $400 or $500, and that there is no person drawing, or entitled to draw, a pension on account of the death of said soldier, and that the said invalid daughter is the youngest living child of Abraham and Martha Leroy. In view of the facts disclosed in this case your committee are of the opinion that they are ample to warrant Congress in extending the relief prayed for to this sadly-afflicted daughter of the deceased soldier, and therefore recommend the bill do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 799.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 416.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Thomas H. Aulls, have examined the same and report:*

This bill was passed by the House on the 9th of March. The House report is adopted, and is as follows:

The said Thomas H. Aulls enlisted in the One hundred and eighty-ninth New York Volunteer Infantry on the 23d day of August, 1864, and was duly mustered the same day; that while in front of Petersburgh, and on the march and crossing a ditch upon the Jerusalem plank road, he alleges that he was injured upon the knee by the butt of a gun in the hands of a comrade, or in some other way which he is unable to state, whereby the knee-joint was bruised and lacerated in such a manner that he bled profusely; that said wound grew worse, and he was compelled about March 1, 1865, to enter the hospital for treatment, where he had to remain for a large portion of the time until he was discharged and mustered out of the service May 25, 1865. His statement is confirmed by the Army record, showing his treatment for inflammation of the knee. The fact that Mr. Aulls was injured as stated, and that he has been and still is suffering from such injury, we think the proof fully sustains.

This case was examined by the Commissioner of Pensions and disallowed in 1881, for the reason that it appeared from the statement of claimant, as well as by the physician who treated him, that claimant was some time about the year 1856-'57 afflicted with inflammation in this same knee-joint, and hence that the disability of which he complains was not obtained while in the military service, but arises from a disability which existed at the time of enlistment.

After a careful examination of the case, we are of the opinion that the ruling of the honorable Commissioner is not sustained by the proof in the case. When an enlisted man was examined by a board of surgeons to determine as to his physical fitness to become a soldier, the presumption should exist, and must exist, that he was a sound and able-bodied man at time of muster.

All the proof there is in the case to show that Mr. Aulls had been troubled with inflammation in his knee before enlistment is the statement of himself and the physician who treated him.

Claimant swears that in 1856-'57 he was troubled with inflammation of the left knee; that he was then eight years old; that this inflammation was caused by going in swimming too much; that for several years before enlistment he had entirely recovered from such trouble and was a perfectly able-bodied man; that he was treated by Dr. Ensign, who for many years had been the family physician of claimant's parents; that Dr. Ensign at this time visited him three times; that claimant felt no weakness or pain in his knee after 1857, and never had any trouble from his knee after that until he was injured in January, 1865, although previous to his said injury he had made many hard marches.

This testimony is corroborated by Dr. Samuel Ensign, above named, who says in his affidavit that he treated claimant in 1856 or 1857 for bilious colic and for inflammation in one of his knees; that claimant fully recovered from these. and was in perfect health up to the time of his enlistment in 1864; that when claimant returned from the Army in 1865 he was very lame from chronic inflammation of all the structures of the knee-joint. The Pension Bureau, after the filing of the affidavit of Dr. Ensign in 1879, wrote him a private letter for a more full statement of the matter,

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 801.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 509.]

*The Committee on Pensions, to whom was referred the bill (H. R. 509) granting a pension to James A. Haley, have examined the same and report:*

This bill passed the House on the 9th of March. The House report is adopted, and is as follows:

That said James A. Haley, on the 1st day of August, 1862, enlisted in Capt. Thomas Caldwell's company of West Virginia Scouts, a State organization loyal to the Union; that on the 15th day of August, 1862, while engaged with his said company in scouting, in Wayne County, W. Va., they were fired upon by the rebels, and he received a gunshot wound through his right arm; that afterwards, on the 8th day of June, 1863, he was enrolled in Company B, Forty-fifth Kentucky Mounted Infantry Volunteers, in the service of the United States, and was mustered out of said service, with his company, on the 24th day of December, 1864; that after his enlistment in said last-named organization he was admitted to the regimental hospital, and there treated for his said wound; that on the 17th day of May, 1880, he applied for a pension because of physical disability resulting from said wound, and that on the 14th day of December, 1882, his application was rejected on the ground that the organization to which he belonged at the time of the incurrence of the wound was not in the service of the United States.

It was clearly shown to the Pension Bureau that claimant was permanently disabled by said wound in a very considerable degree; and in view of the fact that the wound was received in battle and that the soldier afterwards enlisted in the service of the United States, your committee are of the opinion that he should be pensioned, notwithstanding the fact that he was not in the service of the United States at the time of the incurrence of the wound.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 802.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 3488.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Mary Dull, have examined the same and report:*

This bill passed the House on the 9th of March. The House report is as follows, and is adopted:

The petition in this case shows that Mary Dull was a nurse in the Army from October 15, 1862, for about two years, and was with the Ninety-seventh Regiment Illinois Volunteers, from Covington, Ky., on their march through Kentucky and Tennessee, and that she rendered valuable services to the Government by attending to the sick of said regiment and washing for the soldiers, and was a nurse in the convalescent camp at Fort Pickering, at Memphis, Tenn., from January, 1863, to January, 1864, and that she received no compensation from the Government for such services; that she is now sixty-one years of age and in very poor health. She has rheumatism from exposure while in the service, so that she is unable to work, and she has no means of support; that her husband is seventy years of age, and is paralyzed and unable to do any work, and that he was also a soldier in the civil war, and that she has no other family, and that she is now in very needy circumstances, and she asks a pension of $16 per month.

The facts above stated are fully proven by the affidavits of at least eleven witnesses, which affidavits are now on file with the committee. The parties who make these affidavits, most of them, were soldiers whom this woman nursed in the Army, and some of them claim that she was the means of saving their lives. In view of the peculiar facts of this case the committee recommend that said Mary Dull receive a pension of $16 per month.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 803.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 6974.]

*The Committee on Pensions, to whom was referred a bill for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, have examined the same and report:*

This bill passed the House on the 16th of March. The House report is full and explicit. It is adopted, and is as follows:

The Adjutant-General reports that Emanuel R. Hawn was mustered into the service June 12, 1861, as second lieutenant Company C, Seventeenth Indiana Volunteers, as first lieutenant to date from February 1, 1862, and as captain to date from May 1, 1862. His resignation was tendered and accepted on account of "excessive corpulency, which unfits him for the service on foot," September 29, 1862.

He was mustered in as assistant surgeon First Indiana Heavy Artillery, October 24, 1862, and was mustered out April 4, 1864, by reason of promotion, and was mustered in as surgeon Forty-ninth Indiana Volunteers, to date April 4, 1864, and was mustered out November 29, 1864. He was mustered in as surgeon One hundred and forty-fourth Indiana Volunteers March 9, 1865, to serve one year, and was mustered out with field and staff August 5, 1865.

The claimant alleges that while in the line of duty as the surgeon of the Forty-ninth Indiana Volunteers, the soldier, on or about the 15th day of May, 1864, at or near Red River, Louisiana, received the injury, or hernia of the abdomen, by being thrown from his horse. His horse became frightened, unmanageable, and ran away with him, the girth of the saddle breaking, causing him to be thrown violently to the ground thereby causing and producing the hernia, which caused his death August 14, 1883. Col. James Keigwin, commanding the Forty-ninth Indiana at the time, testifies from personal knowledge to the incursion of the hernia as client alleges, his command at the time serving under General Banks; that the surgeon always complained of the injury during the remainder of his service in the Forty-ninth Indiana Volunteers. George W. Riddle, adjutant Forty-ninth Indiana Volunteers, testifies identical with the colonel.

Dr. John M. Craig testifies he was well acquainted with Surgeon Hawn from August, 1865, the date of his muster-out, to 1881, and knows he was a great sufferer on account of rupture of the abdomen. His means of knowing such facts is that he was a partner of Surgeon Hawn from 1866 to 1876.

Dr. J. K. Bigelow, late United States examining surgeon for pensions (now deceased), filed July 6, 1885, states as follows:

"My attention was called by Emanual R. Hawn, late surgeon Forty-ninth Indiana Volunteers, to a large umbilical reducible hernia, with which he was suffering, in October, 1865. I reduced the hernia and applied a truss, which, however, failed to retain the bowel. From October, 1865, to within a period of a month before his death, I had treated him frequently for strangulation with morphia, chloroform, and taxsis."

Dr. E. S. Elder testifies as follows:

"I was the attending physician of the soldier during his last illness, and had previously known him for five years. He was suffering from an immense umbilical hernia, which occasionally became strangulated, and was constantly irritated by the excoriation of the integuments covering the hernia. The hernia was the source of

constant pain, and in July, 1883, became inflamed and irritated to such an extent as to confine the patient to his bed. He medicated himself for a few days, and becoming worse, I was sent for and found him suffering severely. He had been using sulphate of morphia largely, he informed me. I attended for several days. On the 13th day of August, 1883, he became worse and suffered severely. On August 15, 1883, he suffered very much, and I was called in and administered a hypodermic injection of sulphate of morphia. In a few hours I was recalled and found him narcotized. Was informed that after my departure he took a large dose of morphia and soon became in the condition I found him. He died from the effects of the narcotic (morphia) in twelve hours from the time of my first visit."

The claim was rejected under ruling 112, which is as follows:

"Where soldier died from an overdose of opium self-administered, held, that whether the fatal dose was taken by mistake or during temporary insanity, the claim can not be admitted, upon the theory that, as opium had been prescribed for the soldier, he might easily contract the habit of taking it; that his death was not due to service, and his claim should be rejected."

Since the claim was rejected, client has filed an additional affidavit from Dr. Elder, which is as follows:

"The soldier came under my care and treatment about July 14, 1883. He was suffering from the effects of an enormously large umbilical hernia, and he died August 14, 1883, from its effects. In my former statement I mentioned the fact that the immediate cause of his death was from the effects of an overdose of morphia. I desire to say that while he died from the effects of the morphia, yet his death was expected from the effects of the hernia, and would have taken place in the course of a very short time. The hernia was ulcerated and inflamed and would have weighed 20 or 25 pounds, and was so large that no truss could be adjusted to retain it. He used morphine to relieve his sufferings and took an overdose. I think that his death was fairly attributable to the effects of the hernia as the prime cause of his death. I had informed his family that his death would occur very soon from the debilitated condition the hernia had produced."

Hon. John C. Black, Commissioner of Pensions, in submitting the papers to the Secretary of the Interior, says:

"SIR: I have the honor to submit herewith the papers in the pension claim above indicated for transmittal through your office to the chairman of the Committee on Invalid Pensions, House of Representatives, that the attention of Congress may be invited to the facts in the case for such action in the premises, under the provisions of joint resolution approved May 29, 1830, as that honorable body may deem just and proper.

"It appears from the testimony filed in this case that the husband of the claimant, while in the service, was thrown from his horse and severely ruptured in the abdomen.

"The rupture appears to have been one of unusual size and severity, causing him great trouble and suffering at different times on account of it becoming strangulated and inflamed.

"During the last days of his life the rupture became unusually troublesome and painful, and it was apparent that it would cause his death at an early date.

"For his relief the attending physician administered opium, and during the absence of the physician the patient took an additional dose of opium, and died from the effect of the narcotic August 14, 1883.

"Not having died from the effect of the rupture received in the service, but from an overdose of opium, self-administered, the claim of the widow was rejected on that ground.

"There appears to have been no suicidal intent upon the part of the deceased, the narcotic having been resorted to merely to obtain relief from his intense suffering, and his condition was such that his life must have been soon terminated by the rupture. I therefore recommend this case for the action of Congress.

"Very respectfully,

"JOHN C. BLACK,
"*Commissioner.*

"The SECRETARY OF THE INTERIOR."

The committee are unanimously of the opinion that the injuries which finally resulted in death were contracted in the Army while in line of duty, and that the bill ought to pass.

**This bill is reported favorably, with a recommendation that it do pass.**

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 804.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 893.]

*The Committee on Pensions, to whom was referred the bill granting a pension to Julia Stokes, have examined the same and report:*

This bill passed the House on the 9th of March. The House report is adopted, and is as follows:

The applicant filed a declaration in the Bureau of Pensions January 23, 1883, for pension as the mother of Thomas J. Stokes. The claim was rejected February, 1883, upon the ground that there is no law authorizing the payment of a pension to the mother of a sailor who died prior to March 4, 1861.

The record shows that Thomas J. Stokes enlisted as a landsman July 28, 1859, served on the *North Carolina* to September 15, 1859, and on the *Mohawk* from September 16, 1859, to January 13, 1860, when he died.

In an affidavit filed December 18, 1883, Dr. Hugh Sloan, of Utica, N. Y., states that he has known Patrick Stokes, husband of applicant, since 1872; that he has treated him since that year for sore eyes, and that he has been blind to the extent of disabling him for manual labor, for which he has been incapacitated since he first knew him.

In an affidavit filed December 18, 1883, Henry Kein and Michael Mulligan state that they have known Julia Stokes and her husband for more than thirty years; that their family during a portion of that time has consisted of themselves and three children; that their son, Thomas J. Stokes, from the time that he was able to aid them until his death, did aid his parents with his labor and with contributions from his pay as landsman; that two daughters have aided in the common support of the family by contributions from their weekly earnings; that for about thirty years have been possessed of personal property consisting of only the necessary household goods, and of a house and lot, No. 16 Hamilton street, Utica, N. Y., where they have resided since 1860, and a vacant lot in Utica, from which no income is derived.

The applicant states in an affidavit that during the last eleven years (now fifteen years) her husband has been totally blind and unable to earn a support for himself or family.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 805.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 2456.]

*The Committee on Pensions, to whom was referred a bill for the relief of Judith Plummer, have examined the same, and report:*

This bill passed the House on the 9th of March. The House report is adopted, and is as follows:

A similar bill, introduced in the Forty-ninth Congress, was favorably considered by the Committee on Invalid Pensions and the following report submitted to the House:

Judith Plummer is one of the corps of nurses formed by Dorothy Dix, for service in the hospitals of the Army during the late war. In her sworn statement accompanying her papers she says:

"I was enrolled under Dorothy Dix in March, 1862, and served until November, 1864."

Early in her term of service she contracted a disease from which she has ever since suffered. She filed an application in the Pension Department, No. 358960, alleging that in March, 1862, while in the Patent Office Hospital, Washington, D. C., she was compelled to sleep upon the stone floor, by which she contracted a severe cold, which resulted in an enlargement of the right gland of the throat and chronic difficulty, with which she still continues to suffer. This claim was rejected by the Commissioner of Pensions because "hospital nurses were not in the military service;" consequently there was no law by which her case could be allowed.

The following evidence is filed in substantiation of her claim:

OFFICE SUPERINTENDENT OF WOMEN NURSES,
*Washington, D. C., November*, 1863.

Assigned to duty Gettysburgh General Hospital; relieved from Fairfax Hospital, Alexandria, Va., upon application of Dr. Chamberlin, surgeon in charge.

DR. JACQUES,
*Medical Director.*

General Hospital closed at Gettysburgh. In November Miss Judith Plummer reported at headquarters, Washington, D. C., and rendered voluntary service in the General Government hospitals. Resignation accepted and she was honorably discharged.

DR. JACQUES,
*Medical Director.*

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NOVEMBER, 26, 1863.

I certify that Miss Judith Plummer has served in Fairfax Seminary General Hospital, Virginia, under my charge, as female nurse. For ten months her services have been valuable to the sick, and her conduct entirely irreproachable. I take pleasure in recommending her.

DAN'L P. SMITH,
*Surgeon, United States Volunteers.*

1344 G STREET, *Washington, D. C., December* 4, 1879.

The bearer of this, Miss Judith Plummer, was employed as nurse at Fairfax Seminary General Hospital in the year 1862 while I was on duty there, and had the care of several very severe cases to my knowledge. She was a conscientious, faithful, and efficient nurse, always performing her duties to my entire satisfaction, and she is certainly entitled to much consideration for her earnest devotion to her duties in the care of those so unfortunate as to need her services.

J. O. STAUNTON, *M. D.*

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OFFICE OF WOMEN NURSES,
*Washington, D. C. November* 28, 1863.

This paper certifies that Miss Judith Plummer, for some time resident in Lawrence, Mass., but originally from the State of Maine, has been in the United States service as hospital nurse for more than eighteen months. She now asks relief from duty, and has been honorably discharged, faithful devotion to her labors being attested by the surgeons under whom she has served and by the superintendent of women nurses.

D. L. DIX, *S. W. N.*

Willliam J. Frost, Abingdon, Washington County, Va., late hospital steward, U. S. Army, says:

"Miss J. Plummer and her sister, Miss Susan (now deceased), did all in their power to alleviate the sufferings of our wounded and sick soldiers.

"The sisters were from the battle-field of Gettysburgh, to report for duty at Slough United States General Hospital at Alexandria, Va. I was on duty there, and can testify how faithfully both sisters labored night and day in ministering to the sick and solacing the dying."

Dr. J. W. Bulkley, Washington, D. C., testifies:

"JULY 1, 1886.

"I first met Miss Judith Plummer in the spring of 1862 at the Patent Office Hospital, where I was surgeon in charge. Miss Plummer was engaged in nursing the sick and wounded, and rendered most efficient service. Her sleeping accommodations were very poor, she being obliged to sleep on the stone floor of one of the alcoves, with only a blanket for protection. The result of this exposure was a severe cold and inflammatory or acute sore throat, which nearly cost her her life. I performed a surgical operation at that time and one since. In the first operation (in the Patent Office Hospital) I was obliged to lance her throat in order to reduce the swelling. In the second operation I removed tumors from both sides of her throat, the tumors being the result of the previous diseased condition of her throat. I believe the disease of claimant's throat, which disease has incapacitated her from earning a livelihood, to have originated from exposure during her service as nurse in the hospital."

It would seem from all the evidence that this claimant rendered faithful and efficient service until November, 1863, when she was compelled to ask relief from duty on account of her disability, which had become chronic, which disease she contracted in line of her duty and while under orders of United States surgeons; that after her discharge she returned to duty, and rendered voluntary duty until November, 1864. During her service she was treated for the disability in the Patent Office Hospital, and also in Slough Hospital, at Alexandria, Va. Her disability has been continuous; her throat is disfigured with ugly scars, which in themselves bear mute testimony of her sufferings. She is a maiden lady sixty years of age, poor, with no one to look to for support. Your committee, in view of her services and sufferings, are of opinion that the Government should give her some assistance in her age and poverty; and respectfully report back the accompanying bill, as amended, and recommend its passage.

Your committee fully concur in the conclusions reached by said committee.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 806.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 782.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Marble H. Baird, have examined the same, and report:*

This bill passed the House on the 9th of March. The House report is adopted, and is as follows:

This soldier enlisted August 30, 1861, in Company A, Eighth Illinois Cavalry, and was discharged March 5, 1862, for an injury to the wrist, which was admitted to have existed at the time of enlistment. In 1875 he filed an application for pension, alleging that in January, 1862, he received a rupture in the service. This application was rejected principally on the ground that the certificate of disability for which the soldier was discharged makes no mention of the hernia, and there is also some contradiction in the statement of the soldier as to the manner and time of incurrence of the disability. In one affidavit he testifies that he first received it in carrying logs of wood in camp near Alexandria. In a subsequent affidavit he alleges that he received it by being thrown from his horse in Washington.

The special examiner who investigated this case, in speaking of the conflicting testimony, says:

"His explanation of it is not altogether satisfactory, and yet it may be true. It will be noticed that the claimant avers that subsequent to the incurrence of the alleged rupture he rehurt himself, after which the alleged rupture gave him more trouble than formerly. Now, the conflicting testimony as to the time and place of the occurrence of said rupture can only be recognized upon the theory that those who testified to its incurrence at Alexandria could have had no knowledge of the injury near Washington, and that they confounded the aggravation and increase of the said rupture with its original incurrence. Upon the whole, I am inclined to the opinion that the claim is meritorious."

Dr. H. M. Crawford, James C. Baird, Adam S. Vanvast, I. D. Garton, J. B. Howells, John F. Farnsworth, Maj. William G. Conkling, P. G. Jennings, William R. Monroe all testify in the most positive terms as to the soundness of claimant at the time he enlisted.

Col. John F. Farnsworth, Maj. William G. Conkling, both of the same regiment, Capt. P. G. Jennings, and comrade William R Monroe, of the same company, testify unqualifiedly as to his being injured by a fall from his horse. Some of them testify that they saw the bunch which they believed to be a rupture. The testimony as to his condition at time of discharge is also clear.

The examining surgeon at Independence, Kans., in 1875, describes the disability, which coincides with the evidence of the other witnesses in the case.

The examining board of surgeons in 1883 certified that he was entitled to a total rating.

After a careful and thorough examination of the mass of evidence submitted in the case, your committee are forced to the conclusion that the soldier received the disability in the service.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 807.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 150.]

*The Committee on Pensions, to whom was referred a bill granting an increase of pension to Henry B. Shaw, have examined the same and report:*

This bill was passed by the House on the 9th of March. The House report is adopted, and is as follows:

That a similar bill was favorably reported by the Committee on Invalid Pensions in the last session of the Forty-ninth Congress, but at so late a date that same was not reached for action.

Your committee adopt that report, hereto annexed, as their own.

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[House Report No. 4105, Forty-ninth Congress, second session.]

Henry B. Shaw was a private in Company I, Third Regiment Iowa Volunteers; was wounded at battle of Hatchie, October 5, 1862, "by a 3½-inch canister-ball or grape-shot entering near the middle of left clavicle, passing through shoulder and left lung, and coming out through middle spine of scapula," inflicting a most terrible and distressing wound, which not only destroyed the arm, rendering it lifeless and useless, but so injured the lung and shoulder as to make his disability much greater than that of an amputation at the shoulder-joint.

He was granted a pension June 24, 1865, which has since been increased, until he is now receiving the highest rate, which, under the law, his unusual disability is entitled to, viz, $36, for total disability of left arm.

Had this man's wound been such as to cause amputation of arm at shoulder joint he would under the law receive $45 per month, but it is very clearly established by abundant official, medical, and other testimony, which is attached hereto and made a part of this report, that his disability is far in excess of such an amputation, and that he suffers constant and severe pain therefrom.

The wound, which has totally destroyed his arm, being above the shoulder joint, such an amputation would not relieve him; but your committee believe him certainly entitled to the highest rate of pension allowed by law for the loss by amputation of an entire arm. There is no general law which can do this man justice. We therefore recommend the passage of this bill, after first being amended by striking out of the fifth line the word "fifty" and inserting the word "forty-five."

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EXHIBIT A.—*Affidavit of Henry B. Shaw.*

STATE OF IOWA, *Floyd County, ss:*

Henry B. Shaw, after being duly sworn according to law, states as follows

My name is Henry B. Shaw; I am forty-eight years old, and was a private in Company I, Third Iowa Infantry, during the late war for the Union, and while in the line of duty at the battle of Hatchie River, Mississippi, during a charge made upon one

of the enemy's batteries by my regiment, I was struck in the breast by a cast-iron shot weighing six ounces, and the said shot was cut out of my back by the surgeons of my regiment, and is now in my possession; the effect of the said shot was to entirely paralyze my left arm, and to so injure the nerves of that part of the body as to make me suffer intense and continuous pain, and at times the pain is so severe as to be almost beyond endurance, and this state of things has existed continuously for twenty-four years, and seems to increase rather than diminish as I get older.

HENRY B. SHAW.

Subscribed and sworn to December 16, 1887.

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EXHIBIT B.—*Affidavit of S. G. Blythe, M. D., of Nora Springs, Iowa.*

On examination I find a large cicatrix, similar in appearance to those left after wounds by large bullets or by grape-shot, situated just below the left clavicle and covering the first intercostal space, the second rib, and part of the second intercostal space. The center of cicatrix is equidistant from the median line and the acromion process. The continuity of the second rib has been broken by the missile, and cartilaginous union of the fragments has taken place. Over the left scapula and 4½ inches from spinal column, and 2½ inches above inferior angle of scapula, is a long cicatrix, appearing to have been the result of an incision through the muscles covering the scapula, parallel with spinal column. The line of direction from the anterior cicatrix to the posterior cicatrix is backward, slightly downward, and a trifle outward.

Shaw represents to me that the anterior cicatrix is the result of a wound made by a cast-iron grape-shot, and that "posterior cicatrix is the result of an incision made by Dr. Keebles, regimental surgeon, for the purpose of extracting said ball." As resulting from said wound, I find the following conditions present: The arm, fore-arm, and hand are, to a considerable degree, paralyzed; the muscles are atrophied; those of the hand and fore-arm greatly so; those of the arm to a less extent. The flexors of the fore-arm are moderately strong, the extensors very weak. The flexors of the wrist and hand operate slightly; the extensors not at all. The hand is withered and colorless; sensation on the palmer surface is nearly normal, on the dorsum of the fingers it is nearly wanting, on the dorsum of the hand it is very slight. The arm and fore-arm are useless for all purposes where the extensors are brought into play, extension being only accomplished by the aid of the other hand, or that of another person. Circulation is impeded, and the hand and fore-arm have a temperature much below normal.

The interference of the missile with the brachial plexus, besides having caused this partial paralysis of the member, is evidenced further by acute and constant pain, preventing the patient, often totally incapacitating him from attending to any business. As to the amount of disability resulting from this wound, my judgment, from this examination and from personal knowledge of said Shaw during the period named, would be that the loss of the arm at the shoulder joint could not have occasioned greater disability.

I further state that I am in no way related to said Shaw, and am in no way whatever, directly or indirectly, interested in the prosecution of any claim by him for pension relief.

S. G. BLYTHE, *M. D.*

Subscribed and sworn to December 16, 1886.

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EXHIBIT C.—*From certificate of medical examining board of Mason City, Iowa.*

He has received a gunshot wound of left shoulder; the ball entered left breast just below the clavicle, passed backward and downward, and came out through scapula 1 inch from inner border. The clavicle was fractured by ball; it feels rough and irregular. The scar of entrance measures 3½ inches vertically, transversely 1½ inches; tender, adherent, and dragging; some discolored, purple. The scar of exit has the appearance of excised wound, 1½ inches to ½ inch; tender, not adhering or dragging. The left arm measures around biceps 8½ inches; fore-arm 7½; right biceps 11½; fore-arm 11 inches. The muscles of left arm are soft, flabby, cold, and atrophied. He can not use the arm or hand at all; he can not grasp anything with hand. Can not use any of the joints of ( ) of arm, and shoulder not stiffened, but loss of muscular power. The paralysis is of local origin; almost entire loss of sensation of hand and entire arms; hand is drawn around—around at right angle to (to) wrist at what is called droped wrist. He can not make any use of the hand; the joints can be moved by tak-

ing the other hand to move them. He can not use hand or arm for eating or any other purpose. There is total disability of hand and entire arm. He does not require regular aid and attendance, but requires help in dressing himself.

S. H. WASHBURNE, *President.*
G. F. MCDOWELL, *Secretary.*
H. R. IRISH, *Treasurer.*

JANUARY 5, 1887.

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EXHIBIT D.

STATE OF IOWA, *County of Floyd:*

We, the undersigned citizens of Nora Springs, Floyd County, Iowa, after being duly sworn, do declare and say that we have had an intimate personal acquaintance with Henry B. Shaw for many years, and know from our own personal observation that he suffers great pain continuously from the effects of a gunshot wound through the body, received during the late war, and we have frequently seen him suffer so intensely that he was incapacitated for attending to any kind of business.

H. GOGE, *Loan Agent.*
W. S. SWEATT, *Merchant.*
L. S. FRARY, *Merchant.*
S. J. KEYES, *Photographer.*
S. M. MITCHELL, *Merchant.*
W. H. GOUSER, *Merchant.*
G. MILLER, *Merchant.*
J. M. SHEETS, *Merchant.*
W. W. BAKER, *Hotel-keeper.*
B. H. BRITON, *Coal dealer.*

Subscribed and sworn to December 16, 1886.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 808.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 2518.]

*The Committee on Pensions, to whom was referred a bill granting an increase of pension to John Rowe, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is adopted, and is as follows:

The claimant, John Rowe, of Company G, Eleventh Wisconsin Volunteers, made application for an increase of pension June 16, 1884, on account of kidney complaint incurred while in the line of duty, from being thrown from an ambulance while on the march from Pocahontas to Bateseville, Ark.

The claim has be n rejected on the ground there is no record as to the kidney disease having its origin in the service or of medical treatment therefor prior to his discharge. The record shows that in an old brief the claimant states he was not treated for kidney disease in the service, but the claimant furnishes the testimony of William L. Spencer, January 26, 1885, who states he has known the claimant thirty-two years, and intimately since discharge, and knows that he has been suffering from kidney disease ever since he left the Army. This testimony is corroborated by other affiants.

Lieut. Nathan Downs, of Company G, Eleventh Wisconsin Volunteers, testifies that the claimant was sick while in the line of duty in May, 1862, at or near Pocahontas, and was unable to march, and while on the march from Pocahontas to Batesville, Ark., while riding in an ambulance, it was overturned, and he understood that the claimant had his back injured, and was suffering from said injury to the last of his knowledge. Dr. L. W. Babcock testifies, October 14, 1884, of the existence of kidney disease at that time; and Dr. H. J. Harding testifies that he treated the claimant from about July, 1879, to July, 1882, for chronic difficulty of liver and kidneys.

C. A. Crowell, examining surgeon, who made an examination January 3, 1883, states, in regard to kidney disease:

"I find by examination of urine that the quantity is large, the same is very clear, that it contains a small quantity of sugar, and would recommend one-half for disability for kidney disease."

The same surgeon made a special examination November 20, 1884, and states:

"He is in my opinion entitled to a three-fourths total disability for chronic diarrhea, and for that caused by disease of the kidneys a total disability."

Testimony has been filed to show that he was a sound man at the time of enlistment, and sufficient evidence has been submitted to show that the claimant has suffered from kidney disease since discharge and is disabled thereby, and that he is poor and unable to support his family.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 809.

# IN THE SENATE OF THE UNITED STATES.

APRIL 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of Anson S. McDonald.]

*The Committee on Pensions, to whom was referred the petition of Anson S. McDonald, have examined the same, and report:*

The petitioner applied to the Pension Bureau for pension for various disabilities in 1880, the disabilities having, as he alleges, been incurred more than twenty years ago. There is no proof of these matters save his own declaration. The record of his service is imperfect and unsatisfactory.

One of the disabilities for which he claims pension is a wound of his thumb, caused by the accidental discharge of his gun. The lieutenant of his company, who was with him at night on picket duty, distrusts the truth of his statement; says he had asked for a furlough, was much dissatisfied that it was not granted; that no living person but himself knows the truth as to the infliction of the wound; that the surgeon of the regiment believed it was self-inflicted; that the general reputation of claimant as a man and soldier would justify such an opinion.

The committee do not feel justified in considering the claim favorably; recommend that the prayer of the petitioner be not granted, and ask to be discharged from its further consideration.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 810.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of George Dillman.]

*The Committee on Pensions, to whom was referred the petition of George Dillman for a pension, have carefully examined the papers in the case, and report:*

The petitioner was discharged from the service of the United States March 1, 1819, as a private of Lieutenant Barclay's Fourth United States Infantry. He made application for a pension August 11, 1873, and on August 21, 1879, alleging service in the Florida and Black Hawk wars, and claiming a pension for ulcers and fever sores contracted at Petersburgh, Va., in 1816. He furnishes no evidence whatever that the ulcers and fever sores with which he is now afflicted were the result of disease or injury received in the service fifty-seven years prior to the date of filing his application for a pension. The record of the Surgeon-General's Office shows no disability while in the service. His claim was rejected by the Pension Bureau September 26, 1879, on the ground that no evidence was furnished to sustain the allegations of the declaration filed.

There is no additional evidence submitted to your committee, except the claimant's own statement.

Your committee would therefore report the claim set up in the petition adversely, and ask that they be discharged from the further consideration of the same.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 811.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1584.]

*The Committee on Pensions, to whom was referred the bill (S. 1584) granting an increase of pension to Isaac Gibson, have carefully examined the papers in the case, and report:*

The petitioner enlisted on the 10th of April, 1847, at Detroit, Mich., in Company C, Third United States Dragoons, and served in the war with Mexico until peace was declared. He filed his application for a pension under the Mexican service pension bill, approved January 29, 1887, which application was granted, and he is now drawing a pension at the rate of $8 per month.

He now petitions Congress to grant him a pension for disease contracted "in the service and in the line of duty" during the war of the rebellion, as a major of the Second Battalion of the Sixth Cavalry Regiment Illinois Volunteers. He sets forth in his petition that he has never made application to the Pension Bureau, for the reason that he can not procure the necessary evidence to show that he contracted the disease in the war of the rebellion in the line of duty. He files two affidavits dated March 21, 1887, one from Dr. John Bell, and the other from Frank W. Hart, who testify "that they are acquainted with the claimant, and that by reason of chronic articular rheumatism he is unable to do common or manual labor." But they testify to no fact which would bring the case under any provision of the law entitling a soldier to a pension for a disease contracted in the war of the rebellion.

There is another serious objection to the committee taking jurisdiction of this case: It has never been before the Pension Bureau, and the committee could only consider the right of a petitioner to a pension "for injury received or disease contracted" in the war of the rebellion, on *ex-parte* testimony, and without any of the means of testing the correctness of the evidence furnished which are used by the Pension Bureau to probe cases made and ascertain whether they are just or not.

Your committee would therefore report Senate bill No. 1584 adversely, with the recommendation that it be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 812.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2205.]

*The Committee on Pensions, to whom was referred the bill (S. 2205) granting a pension to Rachel J. Gormley, have carefully examined the facts bearing upon the right of the claimant to a pension, and report:*

It appears that Richard J. Gormley, the husband of the petitioner, enlisted April 17, 1856, and was discharged July 29, 1858. He was a coal-heaver on the steamer *Susquehanna*. It appears that while he was in the service he was treated for fever contracted in the line of duty. He died July 29, 1869.

The claimant alleges that his death was the result of the disease of yellow fever contracted in the service. This is the substance of the evidence found in the papers. There is no proof whatever, except the statement made by the claimant, that the death of the sailor was attributable to any disease contracted or injury received in the service. The fact that his death did not occur until eleven years after his discharge would seem to indicate, without affirmative proof, that it could not be traceable to the fever which he had in the naval service.

Under section 4728, if the husband of the claimant was living, to obtain a pension it would be necessary for him to prove that the injury received, or disease contracted, was whilst in the service and in the line of duty. And to entitle his widow to a pension, as his service was prior to the 4th of March, 1861, under section 4729, it would be necessary that she should prove that her *husband died in the service* of injuries received or disease contracted "in the service and in the line of duty."

There is no evidence in the papers to bring this case within either of these sections. The application of the claimant, which was filed July 21, 1881, was rejected by the Pension Bureau October 20, 1881.

After a careful examination of the evidence the committee can see nothing in the claim that would justify Congress in overruling the decision of the Commissioner of Pensions and make this an exception to the general law which governs similar cases.

The bill is therefore reported adversely, with the recommendation that it be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 813.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2145.]

*The Committee on Pensions, to whom was referred the bill (S. 2145) granting a pension to John W. Yost, respectfully report:*

Under the rule adopted by the committee, to wit, that until a claim has been rejected by the Commissioner of Pensions such cases will not be considered or reviewed by the committee, this case does not come under the jurisdiction of the committee.

The Commissioner of Pensions, in his letter of March 22, 1888, in transmitting the papers in the case to Congress, says: "Said claim is pending in this Bureau and awaiting evidence last called for March 7, 1888."

Under these circumstances your committee would report Senate bill 2145 adversely, and recommend that it be indefinitely postponed, so that the papers may be forthwith returned to the Pension Bureau for further action.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 814.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2038.]

*The Committee on Pensions, to whom was referred the bill (S. 2038) granting increase of pension to Mary Minor Hoxsey, have carefully examined the papers in the case and report:*

The claimant is the widow of Capt. Benjamin W. Hoxsey, of Company A, Seventieth New York Volunteers. The husband of this lady was pensioned at his death at the rate of $17 per month. He died December 8, 1881; his widow, the claimant, was pensioned at the rate of $17 per month, commencing August 10, 1882.

The object of the bill is to increase her pension to $50 per month. There are no facts in the record of this case which would appeal to Congress to make an exception in the case of this claimant and give to her an increase of $33 per month over the widows of officers of the same rank. The only possible question, under the facts set forth in the record, that could suggest the right of the claimant to the increase is the fact that the husband of the petitioner was commissioned captain subsequent to the contraction of the disease which caused his death, but the law upon this question is clear and positive that the pensioner must be rated at the rank held by him at the time the wound or injury was received or the disease contracted.

Should the general bill now pending in the Senate pass, it would entitle this claimant to the rate of a captain's widow. On an examination of the precedents the committee can find none which would justify Congress in allowing the increase asked by this bill. The widows of lieutenant-colonels, colonels, brigadier and major generals have been pensioned by special acts of Congress at $50 per month, but in every case the increase has been based upon exceptional facts, none of which appear in the record of this case as presented to your committee. (See Exhibit A.)

The bill is therefore reported adversely, with the recommendation that it be indefinitely postponed.

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EXHIBIT A.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
*Washington, D. C., March* 17, 1888.

SIR: I have the honor to acknowledge receipt of your communication of the 12th instant, in which you ask to be advised of the number of widows of officers who attained the rank of major-general in the United States Army are now on the pension rolls, and at what rate they are pensioned; and,

Second, the number of widows of officers who had attained the rank of brigadier-general in the United States Army are now on the pension rolls, and at what rate they are pensioned; and in reply I have to state that the records of this Bureau show that there have been sixty-two widows of brigadier-generals pensioned; thirty-eight of them at $30 per month, twenty-three at $50 per month, and one at $100 per month. There have also been pensioned twenty-seven widows of major-generals; nine of them at $30 per month, seventeen at $50 per month, and one at $166.66 per month.

It is impossible to give the exact number of these widows who are now on the pension rolls without calling upon the several United States pension agents for the information. I have not done this, as your letter indicates that you desire the information at once, and I trust that what I have furnished in this letter will be satisfactory.

Very respectfully,

WM. E. MCLEAN,
*Acting Commissioner.*

Hon. B. A. ENLOE, *House of Representatives.*

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 815.

IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2184.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Nicholas Goodale, have examined the same, and report:*

The claimant was a private in Company I, Fifth Regiment New York Heavy Artillery. He enlisted August 21, 1862, and was discharged September 27, 1863, on surgeon's certificate of disability. He claims pension for double hernia, and was rejected by the Pension Office on the ground that he was so affected before enlistment, and this decision is affirmed by the Secretary of the Interior.

There is no record testimony bearing upon the alleged disability except the certificate of discharge, which says he had hernia before he enlisted.

Very little testimony has been filed in the case, and nothing whatever justifying a conclusion as to the time and manner of the incurrence of the disability.

In the absence of evidence, the committee have no alternative but to report the bill unfavorably, with a recommendation that it be indefinitely postponed.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 816.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 700.]

*The Committee on Pensions, to whom was referred the bill (S. 700) granting a pension to Samuel T. Ulm, of Union, Oregon, have examined the same, and report:*

The claimant states by petition that while sergeant of Company E, Fortieth Regiment Illinois Volunteers, and on a march near La Grange, Tenn., he contracted dysentery, resulting in a stricture of the colon, which has grown worse with years, and now incapacitates him from labor. His application for pension, pending since February, 1885, remains undecided, waiting for evidence which the claimant alleges himself unable to procure; wherefore he prays Congress to pass a special act for his relief.

The disabling attack of dysentery occurred in April, 1863. The claimant appears to have sufficiently recovered from that attack by the 6th of June following to accept a commission running for three years as second lieutenant in the Fifty-ninth Regiment United States Colored Troops, and to have remained well enough from that date to April 17, 1864, to be reported "present for duty" without absence from sickness or other leave. The regimental hospital register during this period shows that he received no medical treatment, nor do any records on file give evidence of any disability. He was discharged from the service April 17, 1864, as he states, "on account of disability;" which "disability" is defined in General Order No. 63, issued at Nashville, Tenn., and signed by "L. Thomas, Adjutant-General," as "resignation for incompetency."

As presented, the case is not one on which favorable action can be taken, and the committee recommend that the bill be indefinitely postponed.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 817.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1736.]

*The Committee on Pensions, to whom was referred the bill (S. 1736) for the relief of John W. Benedict, have examined the same, and report:*

The application for pension in the case covered by this bill was filed June 28, 1880, and has been made the subject of repeated examinations on the part of special examiners until, all available testimony having been obtained, the claim was rejected on the ground that the disability alleged was the result of diseases contracted prior to enlistment. On appeal taken, the rejection was affirmed by the Secretary of the Interior.

A careful examination of the record in the case fails to reveal any ground of dissent from the action of the Pension Bureau, and the committee recommend that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 818.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1479.]

*The Committee on Pensions, to whom was referred the bill (S. 1479) granting an increase of pension to Bingham M. Caswell, have examined the same, and report:*

The claimant under this bill is now a pensioner at $12 a month. On November 25, 1887, he filed an application for increase, which is now pending before the Commissioner. There is no evidence of unreasonable delay or unjust action on the part of the Pension Bureau, and in the absence of such evidence, or other indication of the fact, the case is not properly before Congress.

The committee report unfavorably, and recommend the indefinite postponement of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 819.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1920.]

*The Committee on Pensions, to whom was referred the bill (S. 1920) granting a pension to James S. Scoville, have examined the same and report:*

On the 12th day of July, 1886, James S. Scoville, late a private in Company I, Eighty-second Ohio Volunteers, filed an application for pension on the ground of fracture of left wrist incurred "in the service and in line of his duty, at Manassas Junction, on or about July 30, 1886," and the disability consequent thereon.

The following extract from the affidavit of Dr. Meyers, late assistant surgeon of the regiment, sworn to on the 19th day of May, 1887, describes how the injury was received "in the service and in line of his duty:"

> About July or August, 1863, while the regiment was in camp near Manassas Junction, I reduced a dislocation of the left wrist, together with a fracture of the lower third of the radius and ulna, for James S. Scoville, of Company. I, Eighty-second Ohio Volunteers, and I treated it for several weeks until it was nearly well. I remember the case clearly, from the fact that the accident occurred directly in front of my tent, and I was looking at the soldier at the time and saw him fall from a sort of gymnastic apparatus which the men had constructed for exercise and amusement.

And the following extract from the report of an examination made of the claimant by a board of medical examiners, October 6, 1886, portrays the disability under which he is suffering:

> There has been a fracture of the head of the ulna. The radius is sound. The union of the fractured ulna is perfect. The motions of the wrist are not at all impaired. We do not believe the wrist to be disabled in any pensionable degree. He has no other disability.

If there is value in medical testimony, this application for pension was fraudulent and the appeal to Congress is an impertinence. The Pension Bureau could not do otherwise than reject the claim without bringing the administration of a beneficent law into ridicule and contempt.

The committee recommend that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 820.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2419.]

*The Committee on Pensions, to whom was referred the bill (S. 2419) granting a pension to Lemuel R. Rea, have examined the same, and report:*

This claim was rejected by the Pension Office, on the ground that the disabilities alleged by the claimant—blindness, piles, and lung disease—did not result from the service. Rea enlisted August 6, 1861, in Company I, Second Regiment Illinois Cavalry, and was discharged August 11, 1864.

The testimony shows that at enlistment he was "remarkably healthy," and that he "took great pride in his ability to endure hardship and undergo fatigue." James S. McCullough, who knew him from boyhood, testifies that the claimant was "a strong, healthy young man" at enlistment, and adds:

> Living on a farm adjoining his father's home enables me to state without hesitation what I am sure is a fact, viz, that he lost his health after entering the service.

The claimant alleges that while in camp at Camp Massac, near Metropolis City, Ill., in October, 1861, he had an attack of the measles, which induced piles and lung disease, and which occasioned weakness of the eyes that finally, in 1881, resulted in total blindness.

That he did so suffer from measles is shown by an abundance of testimony. "There was a very heavy rain that flooded the quarters, and he got very wet." The next morning was very cold, and on account of the measles his comrades were obliged to remove him to a neighboring house; they "did not think he would live."

Anthony Coyle, a comrade, who was detailed to attend Rea and several others who were suffering from the measles, testifies that "he complained frequently about his suffering" after his recovery, "particularly from bleeding piles and weakness in his eyes." On account of the disabilities that resulted from this sickness he was often excused from duty. "All the boys knew he was weakly, so he was never pushed hard while on fatigue duty."

Walter E. Price, a comrade, testifies:

> I have seen him when on scouting duty grow pale and almost fall from his horse; at such times he has told me he was suffering with the piles. His eyes were weak when he had those bad spells. That his weakness resulted from his wounds I have not a doubt.

S. S. Irwin, another comrade, testifies that—

Rea had a cough and was generally regarded as weak-lunged. He also suffered with his eyes. There was a time that he wore goggles. He was appointed farrier of his company, to make his duties easier.

That the claimant has never since ceased to suffer from piles is abundantly shown. On a special examination, the examiner, in his summary, said:

That the claimant had measles in the service, and that, most probably resulting therefrom, his eyes became diseased, there is no doubt in my mind. Granting "soundness" at enlistment, he certainly contracted piles in the service, and has been disabled thereby more or less since his discharge.

In 1879 Rea had a protracted spell of sickness, consequent on his weakness and general debility; in 1881 he had another attack, and this time erysipelas settled in his eyes, causing total and permanent blindness. The Pension Office then seized on the proximate cause of the blindness (erysipelas) and disregarded the former weakness of the eyes and general weakness of the system, which might naturally enough have induced the erysipelas, and rejected the claim, not only for blindness but also for piles, which was overwhelmingly established.

The claimant comes of an excellent family, is a reputable and worthy citizen, is totally blind, has a family of nine children, and is in sore need of help.

Your committee have no hesitation in reporting favorably a case that should have been allowed in the Pension Office, and they recommend the passage of the bill, with the following amendment: Add after the word "cavalry" the words, "at the rate of seventy-two dollars a month."

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 821.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1466.]

*The Committee on Pensions, to whom was referred the bill (S. 1466) granting a pension to John Eckland, have examined the same, and report:*

John Eckland was a laborer employed in the quartermaster's department of the army of General Thomas, in December, 1864, and while engaged in unloading a cargo of forage from a Government steamer, at Eastport, Miss., owing to the slippery condition of the gang plank leading from steamer to levee, he fell a distance of about 15 feet, landing among brush and stones, striking on the left side of his head and causing the loss of sight in his left eye. Gradually, by sympathy, his right eye became diseased, and for some years he has been totally blind, poor, and cared for at charity hospitals. For five years he has been an inmate of the almshouse, Rainsford Island, Boston Harbor.

The facts as to employment and injury are sworn to by Patrick Tighe, a comrade personally cognizant thereof, and the nature and extent of disability are certified to by Dr. B. Jay Jeffries, an eminent occulist of Boston, who treated and removed the left eye, and who states that the subsequent loss of sight in the right eye was due to disease induced by sympathetic irritation.

This calamity fell on this poor man while in the performance of a duty as relatively important in its sphere as that which devolved on any man in any branch of the service. His condition, a pauper and blind, is as sad and helpless as can be conceived.

Seeing no reason to doubt the nature and extent of his disability, nor the manner of its incurrence, your committee think it a case where mercy may be invoked in aid of justice; and they therefore recommend the passage of the bill, with an amendment in the eighth line thereof, by striking out the word "loading" and inserting in its stead the word "unloading."

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 822.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2118.]

*The Committee on Pensions, to whom was referred the bill (S. 2118) granting a pension to Richard H. Van Dorin, have examined the same, and report:*

The claimant accompanied the Army to Mexico in 1846–'47 as teamster, but participated in the battle of Buena Vista and in an engagement subsequent thereto; was honorably released in the spring of 1847; drew a land warrant in virtue of his services; and asks to be pensioned the same as an enlisted soldier.

His character and credibility are vouched for by the Hon. James F. Wilson, Senator from Iowa, and circumstantial testimony is also presented from neighbors and acquaintances, whose probity has the same satisfactory indorsement.

The committee recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 823.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1877.]

*The Committee on Pensions, to whom was referred the bill (S. 1877) granting a pension to Harriet L. Vaughan, have examined the same, and report:*

Harriet L. Vaughan is widow of a deceased pensioner, Orsemus S. Vaughan, late of Company F, Fourth Rhode Island Volunteers. His disability arose from a gunshot wound in the groin, and his death from a malignant tumor near such wound. The application of the widow for pension was rejected "because the testimony was considered incompetent," in the language of the Commissioner of Pensions, "to prove that the malignant tumor that caused the soldier's death was due to the wound of his right groin, as claimed."

All the medical evidence on file in this case is to the effect that the tumor was the result of the wound. Dr. E. H. Perry, the attending physician, testifies, April 22, 1887:

> I attended Orsemus S. Vaughan during his last sickness. He died August 11, 1886. Cause of death, malignant tumor on thigh, below the scar of what had evidently been a severe gunshot wound.

In response to a request for a more definite statement of the case, Dr. Perry writes, June 15, 1887:

> In explanation of my statement made and sworn to, I would say that, while I can not positively assert that any cause can be assigned for any malignant tumor, yet, in the case of Orsemus S. Vaughan, the fact that a tumor (malignant in nature, and recurring after three careful operations for extirpation) formed a short distance below the scar of what had evidently been a very severe wound, naturally leads us to look to that wound as a probable cause, or at least an irritant to the parts adjacent, and thus might make a malignant tumor of what would otherwise be a harmless one; for this was originally a lipoma or fatty tumor.

In response to a further request from the Pension Office, Dr. Perry states, on the 16th of September, 1887:

> In the case of Orsemus S. Vaughan, the tumor was first observed about one year prior to the first operation, which was performed May, 1885, and judging from its location and progress, Dr. Palmer (acting police surgeon of Providence, R. I.), who examined it carefully, pronounced it to be the result of the former wound. Vaughan was sergeant of police, and Dr. Palmer, who is considered an expert, has charge of police examinations.

These statements, covering the opinions of civil surgeons, not appearing satisfactory, recourse was had to an official pension examiner, who

replied to a letter of the Commissioner of Pensions of October 22, 1887, as follows:

PROVIDENCE, R. I., *November* 10, 1887.

SIR: I have the honor to report in the case of pension claim 349,206, of Harriet L. Vaughan, widow of Orsemus S. Vaughan, late Company F, Fourth Rhode Island Volunteers, that said Vaughan died of fungus hermatodes, of anterior aspect, upper third right thigh. In my opinion the disease was the result of wound of thigh which said soldier received in the service, and for which he had been pensioned, I have personal knowledge of the above facts.

Very respectfully, your obedient servant,

GEORGE W. CARR,
*U. S. Examining Surgeon of Pensions.*

Hon. JOHN C. BLACK,
*Commissioner of Pensions, Washington, D. C.*

A memorandum in the case by a medical referee shows that the pensioner, while drawing his pension, failed to receive that to which his disability entitled him. The referee states, September 23, 1887:

I find looking through the papers that pensioner was inadequately rated. Not knowing whether anything should or can be done in the premises, yet it seems so plain that I can not help making a note of it.

The above comprises the substance of the medical evidence in the case, and it appears to be conclusive of the fact that the pensioner's death was due to a disease resulting from the wound incurred in service, though why such was not the decision of the Pension Office is one of those mysterious problems which the lay mind is incompetent to solve, unless, indeed, attention having been called to an injustice visited upon the pensioner during his life-time, consistency required that it should be continued to his posterity.

The further facts in the case are, that the widow claimant is indigent, and that she has five children depending on her for support.

The committee report the bill favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 824.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1942.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Mrs. Ellen Courtney, have examined the same, and report:*

Application was made in February, 1879, for a pension to the beneficiary named in the bill, as indigent and dependent mother of Cornelius Courtney, late private in Company M, Fifth Regiment Ohio Cavalry Volunteers. He enlisted on the 15th December, 1861, and was discharged April 9, 1863, for "total disability, occasioned by tuberculosis of lungs, and mesenterica left by chronic dysentery of four months' standing, with general nervous weakness, all occurring in the service." He was discharged at Bolivar, Tenn., and left that place for Cincinnati, desiring to be addressed there; and, as alleged, entered Saint John's Hospital, where he died.

The proof is positive of the widowhood and dependence of the mother on the son before his death, of his celibacy, and of the mother's indigence since his death. The case has been pending nine years, lacking direct evidence of his death at the hospital in Cincinnati. This evidence is not to be obtained, for the reason stated in a letter from a Sister of Charity, dated February 22, 1886:

> Yours of the 14th instant to hand, regarding the death of Cornelius Courtney. We regret very much not being able to give you the desired record of his death. The record of the hospital at that time was taken by one of the doctors to Washington, to aid them in writing a history of the late war. They failed to return it, and now it can not be found. * * * Sister Vincent still lives, and remembers the name, but not the date of his admission or death.

The register of vital statistics of Cincinnati, under date of March 23, 1885, writes:

> Your letter of March 10, to city clerk, was referred to me. The death register of Cincinnati only extends back to November, 1865, which is two years later than the date you inquire after.

So it appears that (no death record having been kept in Cincinnati at the time of the soldier's death, the hospital records having been removed and lost, the circumstantial evidence on file having been disregarded, and the inference given that no other than record evidence would be received) it has been simply impossible for the claimant to procure the evidence required by the Pension Office to sustain the claim. In that light, the repeated intimation from the Pension Office to the claimant that her "allegation that he [her son] died after his discharge at Saint John's Hospital, at Cincinnati, Ohio, is not sus-

tained by the records of said hospital," has become monotonously fatal to the claim of this indigent mother.

There is, however, in the files of the case, satisfactory circumstantial evidence of the soldier's death, which justifies the committee in assuming that fact, and in reporting favorably on the bill. His certificate of discharge shows that he left Tennessee for Cincinnati, intending to remain there, low with consumption, dysentery, and general nervous weakness.

Sister Vincent, of Saint John's Hospital, Cincinnati, remembers the name of the patient Courtney, though not the time of his admission or death.

The widow claimant swears that she received at her home by Adams Express, from Sister Mary Vincent, the clothes and watch of her son, and $100 in money, as his property, left by his death in the hands of those who sent them to her. Two neighbors of the widow claimant, Ellen Murphy and Julia Pratt, swear that the facts given in her statement as proof of the death of her son Cornelius are known to both of them, and are true; that they saw the articles mentioned as belonging to her said son when they were delivered by the Adams Express to Mrs. Courtney. All which makes the assumption reasonable that the widow's boy died, and under circumstances which entitle her to a pension.

The bill is reported favorably, and recommended for passage.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 825.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1272.]

*The Committee on Pensions, to whom was referred the bill (S. 1272) granting a pension to Helen A. Beebe, have examined the same and report:*

The committee find that Mrs. Helen A. Beebe was a volunteer nurse in the Army from 1863 to 1865, and that, in that capacity, she incurred disabilities which have seriously affected her health since, until she now finds herself old, an invalid, and destitute of the means of support.

The committee recommend the passage of the bill, with an amendment reducing the rate of pension to $25 per month.

Amend by striking out "thirty" in the fifth line of the bill and inserting "twenty-five."

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 826.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 2694.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2694) granting a pension to Julia A. Griffen, have examined the same, and report:*

The report of the House committee hereto appended shows how useful were the services that Miss Griffen performed, all of which she freely volunteered, without compensation or expectation of profit.

Your committee have already reported a general bill giving Army nurses a pension of $25, and they have no hesitation in reporting this bill back and recommending its passage.

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### HOUSE REPORT.

Julia A. Griffen asks to be placed on the pension-roll for services rendered by her as hospital nurse during our late civil war. The evidence shows that Miss Griffen is a maiden lady of fifty-five years of age; she has no relatives living except one sister; she is now poor, with no property, and dependent upon others for her support. Before she entered upon her services as nurse she was a strong and healthy woman.

She received no pay while serving as nurse, and no compensation therefor since. In March, 1862, she reported as nurse to Miss Dorothy Dix at Washington and was assigned to duty at the Union Hotel Hospital at Winchester, Va., where she remained until she was transferred to the Academy Hospital in the same place, where she remained until transferred to the hospital at Strasburgh, Va. She remained here until the Union Army retreated to Winchester, Va., and she was sent back to the Academy Hospital at that place. On the defeat of the Union forces at that place she was taken prisoner and released on her parole, but she remained in the hospital at this place taking care of wounded and sick soldiers of both armies. Here she remained until the Union Army retook possession of Winchester, and until the hospitals were removed to Harper's Ferry, when she was sent to Bolivar Heights Hospital at that place. Here she remained until ordered to report to Miss Dix at the city of Washington, which she did.

In May, 1864, she was ordered by Surgeon-General Barnes to report to the surgeon in charge in the front, and she went to Belle Plain, Va. After the battle of the Wilderness she was detailed to duty upon the hospital boats, conveying the wounded from that point to Washington. After the battle of Cold Harbor she was detailed to like duty upon the hospital boats.

That then she was detailed to duty upon the hospital boats and in hospital tents at City Point, Va., where she was engaged in caring for the wounded soldiers brought from Petersburgh.

While here she was exposed to rain and storms, frequently being all day exposed to rain, and often sleeping on the wet ground at night. Here, from that exposure, she contracted a severe cold and she became so sick that she was compelled to leave the service and return home. That the result of this sickness was to produce asthma, from which she has suffered ever since.

The medical evidence shows clearly that she has suffered from that disease ever since she left the Army; that the disease is incurable, and totally disqualifies her from doing anything for her own support.

The high personal character of this woman is fully shown, and your committee believe that this worthy woman, who spent so much time without any compensation therefor in caring for our sick and wounded soldiers, now she is rendered helpless by disease contracted while in the service, and dependent upon others for her support, is fairly entitled to a pension; and would therefore recommend the passage of the bill with an amendment striking out the words "twenty-five," in sixth line thereof, and inserting therein the word "eighteen."

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 827.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 4550.]

*The Committee on Pensions, to whom was referred the bill (H. R. 4550) granting a pension to Chloe Quiggle, have examined the same, and report:*

Your committee concur in the report of the House committee and recommend the passage of this bill. The grounds on which this conclusion is based are set out in the following extract from the said report:

This claimant is the widow of Philip Quiggle, a private in Company L, First Minnesota Heavy Artillery, who enlisted February 11, 1865, and was discharged September 28, 1865. At the time of his death his application for pension was pending, in which he alleged that he contracted rheumatism, chronic diarrhea, and kidney disease. The evidence submitted, including that of the captain and lieutenant of the company, shows that the soldier at time of enlistment, though above the age required by law, was a strong, robust man; that claimant received a sunstroke on the march from Chattanooga to Nashville; that at time of discharge, and ever since, the soldier suffered from kidney disease until his death, and that the cause of his death was from that disease.

The widow's claim was rejected, because it was not shown satisfactorily that the disease originated in the service. It seems to be clearly shown that at time of enlistment the soldier was a vigorous, robust man; that he came out of the service a wreck; that from his discharge till the date of his death he was a constant sufferer from disease of the kidneys, and that his death was caused by that disease. The widow is seventy-six years of age, feeble in body and mind, and in destitute circumstances.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 828.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 2416.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2416) granting a pension to Hannah F. Brock, have examined the same, and report:*

The Committee on Invalid Pensions of the House made the following report in this case:

John M. Brock was a Union soldier, and was killed on the battle-field at Gettysburg. Robert M. Brock was pensioned as a dependent father of said soldier, and has since died. The present applicant, Hannah F. Brock, is the step-mother of the dead soldier, and applies in her own behalf as a dependent.

Cases of this kind can not be allowed under the general law, but Congress has in many instances, where it could be shown that the step-mother had charge of the child from a tender age and had been dutiful to him, granted the desired relief.

In this case it appears that the applicant married Robert M. Brock, the father of the soldier, when the boy was ten years of age; that she turned in a little property of her own to the family, which was exhausted for their support; that she cared for the child as tenderly as if he had been her own; that she was for many years a devoted wife, caring for her husband when he was receiving a small pension as dependent father, at which time he was completely disabled by rheumatism. It further conclusively appears that the boy, while in the Army, contributed liberally of his pay to the family, and there is every reason to believe that had he lived he would have cared for his step-mother in her poverty and declining years, the evidence of present destitution being clearly shown.

Under all the circumstances, your committee are of opinion that the bills hould pass, and report it back with that recommendation.

While your committee might not deem it expedient to apply the principle involved herein to all cases, in the form of a general law, they believe the facts in this case warrant making it an exception to the general rule, and therefore recommend the passage of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 829.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2272.]

*The Committee on Pensions, to whom was referred the bill (S. 2272) granting an increase of pension to William D. Hall, have examined the same, and report:*

William D. Hall, late sergeant, second and first lieutenant of Companies G, D, and E, respectively, of the Seventy-second Regiment New York Volunteers, has been pensioned from the 15th March, 1865, to the present at sums varying from $4 to $17 per month, the last running from April 3, 1884. The last amount was awarded him on the 27th January, 1886, on his application for increase made January and October, 1884. The bill under consideration was introduced in compliance with his petition for an additional increase to $50 per month.

The award under which the petitioner now receives $17 was made over two years ago, and the records of the case do not show his dissent from its justice nor application to the Pension Office for rehearing or further increase. There is nothing on the face of the record to indicate carelessness or unfairness in the consideration of the case; the rating seems conformable to the unbiased testimony offered; and there is, therefore, no apparent injustice on the part of the Pension Office for the committee or Congress to review or repair.

The committee report unfavorably, and recommend that the bill be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 830.

IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 886.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Sarah F. Jones, have examined the same, and report:*

The claimant is the widow of Albert S. Jones, late of Company B, Sixth Regiment Maine Volunteers. Her husband was pensioned for gunshot wound of neck, and died July 10, 1868. His term of service is thus shown by the record: "Enlisted July 1, 1861; discharged July 24, 1865." He died July 10, 1868; his widow filed application for pension October 15, 1868, and her claim was rejected February 7, 1877. From this action an appeal was taken, and the Secretary of the Interior sustained the Pension Bureau, basing his decision on the statement of the medical referee, who says:

> The record and other evidence does not warrant the opinion that death from disease of the lungs and heart and paralysis was due to impure vaccination. Syphilis, however acquired, seems to have been a factor in the death cause, and cannot be eliminated.

The history of this man's service is that he was wounded, first by what is called a gunshot wound in the neck; the ball entering the neck 4 inches below the ear, or near the collar-bone, passing downwards and backwards to a point opposite the shoulder-blade, where it made its exit. After this wound he was never fit for active service; he was much in hospital, and was finally transferred to Invalid Corps. It is also of record that he was a prisoner; that, according to the report of one of the examining surgeons, he was wounded in the leg, the muscles of which were injured and the leg weakened; and that he had rheumatism in the Army and after his discharge.

Two of his comrades, who were in the same company and hospital, say he was vaccinated in January, 1864. This was after his wounds in the neck and calf of leg, and several sicknesses; and they swear that his arm was full of sores from vaccination, so that he was sick. That he was furloughed on account of the effects of the vaccination. They were with him and know. These affiants saw him often after his discharge, and until a few weeks before his death, and during all this time the sores upon his arm continued to break out. One of these witnesses was the sheriff of Hancock County. Other witnesses corroborate this, and say that the sores continued up to 1868.

Another comrade, who was in the same hospital ward with him, says they were there four months. They were both vaccinated, but not by the same surgeon. He testifies to the sores and hearing the doctor say they ware caused by the vaccine matter.

Dr. Parker, of Ellsworth, Me., testifies to his belief, from intimate knowledge of the man and of his condition, that the soldier's sickness and death were the result of his service.

Dr. Fogg, of Holden, Me., knew the soldier from his birth. In June, 1868, he was called to attend him, and found him suffering from disease of lungs and heart. Ten days before he died his right side was paralyzed.

John F. Whitcomb, first lieutenant of his company, says between his discharge and death he never was well.

The only reference to syphilis the committee can find is that contained in the report of the Surgeon-General, in which he says he was transferred to Harper's Ferry, with this disease, December 6, 1864; whereas the Adjutant-General's report shows that December 8, 1864, he was in Newton University General Hospital, Baltimore, from Winchester, Va., with diarrhea. There are other discrepancies in dates that are inconsistent with the syphilis theory.

The doctors who treated him, the Pension Office examining surgeons who examined him, make no reference to syphilis. The medical referee bases his opinion upon the Surgeon-General's report, which is generally defective, and in this instance conflicts with other reports and other evidence. The committee believe the medical referee had no just grounds for such a decision; that all the evidence as to prior soundness, good habits of the soldier, as to the incurrence of his wounds, of his poisoning, his continued sickness and suffering, in which there was no interval, justify the belief that his disabilities were all contracted in the service, and that they were the cause of his death.

The failure to discover "pathological connection" is one of the obstacles in the way of many a just claim, and in a case such as this, in which it took nine years to decide it, and in which the evidence is clear, positive, and from the most reliable sources, the committee is of the opinion that Congress will not exceed its prerogative in reversing the decision.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 831.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1760.]

*The Committee on Pensions, to whom was referred the bill (S. 1760) to increase the pension of Mrs. Laura Hooper Denby, have examined the same and report:*

The petitioner is the widow of Edwin R. Denby, late medical inspector of the United States Navy. She is now receiving a pension of $30 a month. This bill increases it to $50 a month. Her present pension is the amount limited by law.

The grounds upon which increase is asked are set forth in the widow's petition, which embraces a history of his service. He was appointed assistant surgeon in 1855, from which time he was on continuous and active duty. He was regularly promoted, receiving his last and highest grade of medical inspector December 28, 1872. He served as surgeon of the fleet on the Pacific Station until he was sent home in bad health. When partially restored he was ordered to the United States steamer *Lancaster* as fleet surgeon of the South Atlantic Station. After two years' service there, on leaving Rio de Janeiro for the United States, on the seventh day out yellow fever broke out on the ship, and he was the second person to fall a victim to the disease; and on the 3d of May, 1875, he was buried at sea.

In view of the fact that he was twenty years in continuous service; that while on duty he was the victim of a malignant disease, by which untimely event his family was deprived of his care; and in view of the inadequacy of the present allowance it is the opinion of the committee that the small relief for which the widow prays may properly be conceded.

The bill is therefore reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 832.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2138.]

*The Committee on Pensions, to whom was referred a bill granting an increase of pension to Ezra A. Miller, have examined the same, and report:*

The claimant was a private in Company H, Twenty-sixth Iowa Volunteers. He was discharged on account of paralysis in the left leg incurred in the service. He was pensioned for this disability, and his rating was increased from time to time until it reached $24 a month. He now asks an increase on that rating, for causes set forth in his declaration, as follows: Paralysis of left leg, left hand, affecting the side of his head, and causing dizziness, a diseased nervous system and heart trouble, so that he is unable to do labor, professional, manual, or skilled. His claim for increase was rejected February 8, 1888, on the ground that he was then receiving the full amount of pension to which he was entitled for the existing degree of disability.

Dr. John H. Boyd, who has attended the claimant the greater part of the last twenty-five years, testified on the 8th of August, 1887:

> The applicant is suffering from partial anchylosis of left shoulder joint and elbow joint, accompanied with wasting of the muscles of the arm to that extent that he can only partially open or close the hand. His disability, in his opinion, is equivalent to the loss of the arm and hand. He is also suffering from partial anchylosis of the hip joint and ankle joint, and complete anchylosis of the knee joint. The muscles of the thigh and leg are wasted to such an extent as to make the parts entirely useless. In his opinion it is only a question of time when he will become entirely helpless from the above-described disabilities. He has occasional attacks of vertigo and palpitation of the heart.

This statement is fully corroborated by other medical testimony.

His last increase was for "paralysis of the left leg, resulting in total disability, such as to render incapacity to perform manual labor equivalent to the loss of a hand or foot." Anchylosis, or stiffening of the joints of the shoulder, elbow, hand, and leg have ensued, the paralytic affection, with wasting of the limbs, and to these are superadded vertigo and palpitation of the heart.

A decision of the medical department of the Pension Office, rendered January 27, 1888, and approved by the medical referee, says, "The claimant is not entitled to increase under the general law, nor act of August 4, 1886," and closes the case.

This act provides for the rating for the loss of one hand or one foot, or total disability of the same, at $30 a month. It rates the loss of an arm at the elbow or leg at the knee, or total disability of the same, at $36 a month; and the loss of an arm at the shoulder joint or a leg at the hip joint, at $45 a month; and it would have been consistent to have rated this man above his present grade of $24 a month, under this act.

In the opinion of the committee there is justification for increasing his pension to $50 a month as provided in this bill; justification, not only when viewed in the light of humanity, but by the laws and rulings under which pensions are conceded.

One side of the claimant is utterly helpless. He was paralyzed, anchylosis ensued, the joints of his leg, arm, and shoulder have become stiffened and useless, and he has vertigo and heart trouble, with the certainty, according to the professional predictions, of soon becoming utterly and hopelessly helpless.

Acting Secretary Joslyn, in June, 1883, adjudicated the case of John R. Collett. The case is thus stated:

> By a gunshot wound the claimant's left hand and arm are totally disabled, and of no more use to him than if amputated. His right arm is disabled by the fragments of a shell, resulting in partial anchylosis of the elbow. He can not get his hand to his mouth, can not bathe his face or cut his food, dress or undress himself. He has fair use of his right hand, can write, and is employed as second grade clerk in the Second Auditor's Office, but requires the assistance of another person in handling his books.

For these disabilities it was held on appeal that he was entitled to a pension of $50 a month under the provisions of the act of June 18, 1874, which provides that a disability resulting in total and permanent helplessness shall be pensioned at the rate of $50 a month. There is no comparison between the case included in the above ruling and that of this claimant. The one performs the duties of a Department clerk, while one side of the other is totally disabled, and the effects of his disability are rapidly and surely increasing.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 833.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 5176.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Thomas J. Parker, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is adopted, and is as follows:

Parker served during the war of the rebellion in Company A, Fourth Regiment Michigan Cavalry. He applied for a pension on account of asthma contracted by exposure in the service, which application was rejected by the Pension Department on the ground that the asthma existed prior to his enlistment.

From testimony filed and submitted to the committee subsequent to the rejection of the claim, your committee are of the opinion that prior to his enlistment Parker was an able-bodied man, engaged in the occupation of blacksmithing. H. H. Williams testifies that he has been acquainted with Parker since 1858, and that "he was a strong, healthy, able-bodied man, free from any constitutional disease or ailment," and that he "never knew of his being troubled with asthma or any other trouble with his throat or lungs."

Charles Carter submits an affidavit in which he states substantially the same as the former affiant.

William Partridge testifies that he has known Parker since 1850, and that prior to his enlistment "he was absolutely free from asthma."

James B. Streeter testifies that he has been acquainted with Parker since 1850, and that before he went to the war he was entirely free from asthma, and "a sound and healthy man."

James Forbes testifies that he worked with Parker as a blacksmith from 1859 for about two years, and that Parker was "as sound as a nut, and was free from asthma, and as tough as a bear."

John Southwell and W. A. Bliss, who knew Parker intimately before he enlisted, also testify to Parker's sound physical condition prior to his enlistment.

All of the above witnesses reside at Allegan, Mich., where Parker resided before the war, and where he now resides, and appear to be good citizens of excellent reputation. Parker is now old, destitute, and broken down in health.

The bill is reported favorably, with a recommendation that it do pass

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 834.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of Joseph F. Little.]

*The Committee on Pensions, to whom was referred a petition of Joseph F. Little, for arrears of pension, have examined the same, and report:*

The petitioner, Joseph F. Little, a second-class fireman on the United States steam frigate *Powhatan*, while on duty in the China seas during the latter part of the year 1859, was injured by the careless act of a shipmate throwing water on the hot coals and ashes which the petitioner was removing from underneath the boilers, causing an explosion and filling his eyes with steam and ashes, with such injury that he was sent into hospital, and finally discharged the service. He has since enlisted in the Navy in different subordinate capacities, but alleges that the injury to his eyes has prevented his filling such positions as he would have been fitted for, barring such disability.

In 1876 the petitioner filed a declaration for pension in the Pension Office, which, from various causes, was not brought to a final decision until the 16th of January, 1888, when a pension was allowed him to date from the 8th of February, 1887, at the rate of $16 per month.

The petition prays for arrears from the latter part of 1859 to the date at which his pension begins. The law requires that "in all cases in which the cause of disability or death originated in the service prior to the 4th of March, 1861, and an application for pension shall not have been filed within three years from the discharge or death on whose account the claim is made * * * the pension shall commence from the date of filing by the party prosecuting the claim, the last paper requisite to establish the same." The date of filing the last paper considered requisite to establish the claim in hand was the date from which the petitioner's pension was made payable, and the requirements of the law in his case have been strictly fulfilled.

There is no justifying cause set forth by the petitioner for placing his case above the statutes, and the committee report upon the petition unfavorably, and ask to be relieved from its further consideration.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 835.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 5363.]

*The Committee on Pensions, to whom was referred a bill granting a pension to David Johnson, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is adopted, and is as follows:

The said David Johnson enlisted in Company C, First North Carolina Infantry, on the 18th day of March, 1863, and was mustered out with his company June 27, 1865. At the time of enlistment this soldier was fifty-seven years old and had been engaged for several years in farming. He states that he was perfectly sound and able to do as much work wh en he enlisted as any man. This statement is affirmed by affiants Charles W. Swain and J. W. Clifton, who knew him for a long time prior to 1857. They say that when he enlisted they "considered him physically sound in every respect, having never heard him complain of any disease. He was always able to do as much manual labor as any man."

Some time during the summer of 1863 the said Johnson contracted fever from exposure while on duty, and lay for six weeks in the hospital at Little Washington, N. C., under the treatment of the regimental surgeon, Dr. Babbett, who died before application was made. This case was rejected because there was no hospital record of it, and no evidence showing disability from the time of discharge until 1868.

The report of the Adjutant-General's Office states that there is no record of disability on file; but adds, "regimental hospital records are not on file." This report does not state that the hospital records do not show disease of soldiers, but the absence of the entire record. Two comrades, Z. P. Alexander and Solomon Dunbar, belonging to the same company, swear to the sickness. Alexander says:

"I saw him when he was sent to the hospital at Washington and several times afterwards, and know he staid in the hospital from six to eight weeks, and was never able after he left to do any but light duty."

Dunbar affirms this, and adds that he was disabled when he was discharged.

Immediately upon the close of the war Johnson moved into the hills of McLean County, Pa., and worked in the woods. He had but one neighbor within 3 miles of him—Charles Miller, whose family consisted of himself, wife, and son. Both Miller and his wife died before application was made, and the son moved West and can not be found. During this period Johnson had no physician to treat him. He was living so far away that he could not summon a doctor without great trouble, and his sick spells came on suddenly in the nature of nervous prostration. After recovering consciousness from these spells, although remaining weak for days, he suffered no pain and no medical treatment was called for.

In 1868 Johnson moved to Cass County, Ill., since which time, by abundance of evidence, it is shown that the old man has been nearly totally disabled from work; that while he has been at all times afflicted with troubles in his head and back, he has been subject to spells of prostration when he would be entirely helpless. These spells have grown more frequent during the past years.

Dr. Smith, secretary of board of medical surgeons, in Cass County, in a letter to the Commissioner of Pensions, says: "He is attacked with paroxysms of shaking

palsy, which are very bad. Will pass into a stupor which will last sometimes nearly two days," and that he is strictly honest and his statement can be relied on implicitly.

This old soldier was a well-to-do farmer when he enlisted, and now at the age of eighty-two earns what little he can by sawing wood.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 836.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 2259.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Joab M. Haley, have examined the same, and report:*

This bill passed the House on the 13th of March. The House report is adopted, and is as follows:

In this case the papers in the office of the Commissioner of Pensions disclose the following facts:

Joab M. Haley enlisted in Company E, Tenth Iowa Volunteer Infantry, September, 1861, and was sworn in on the 6th of that month, and honorably discharged in August, 1865. His application alleges that he was injured by the concussion of a cannon-ball in passing very close to his head, which knocked him down and caused him to lose hearing in the right ear, and resulting in partial paralysis of left shoulder, neck, etc. The chief examiner of the west division, in submitting the case says:

"The claim for deafness is unquestionably primafacially established, but there is no testimony on file showing existence of paralysis or affection of neck at any time during service or since discharge."

The captain of his company and three of his comrades testify that at the battle of Corinth, Miss., October 3, 1862, a shell passed so near him that it knocked him down, blackened his face, and made him deaf in his right ear; that he was free from deafness at enlistment, but has been deaf in the right ear ever since that battle.

Dr. G. B. Richards testifies that he treated claimant for deafness of right ear and injury to lower right jaw from his discharge until 1872.

A number of witnesses testify that claimant's health has been bad since his discharge; that he has continuously complained of injury to right shoulder, neck, and arm, and is almost totally unable to perform manual labor.

A special examination was ordered by the Pension Department, at which a number of his neighbors testified that they had known him many years, that the soldier was a man of good character, but they did not know that he was deaf in the right ear.

The committee are of the opinion that the preponderance of testimony is in favor of the applicant, and that deafness resulted as alleged from the concussion of a cannon-ball at the battle of Corinth, Miss., October 3, 1862, and that the relief asked for in the bill ought to be granted.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 837.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 2498.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Alonzo Higley, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is adopted and is as follows:

This soldier applied for pension March 23, 1885, and his claim was rejected solely upon the ground that he was never mustered into the military service of the United States. While this is true, and by reason of which, under the law, he could not be pensioned by the Department, yet we submit that the circumstances in this case call for the intervention of Congress. It is in evidence that when the late war broke out claimant was a physician with good practice and unimpaired health. In response to the call for troops he freely gave his time, money, and services in enlisting men in the city of Pittsburgh, Pa.

A little later he went to Ohio, and, at the request of Governor Tod, continued in this work until he was requested by the governor to go to camp at Mansfield, Ohio, and help organize the 7,000 drafted men who were encamped there.

On the 4th day of October, 1862, he enlisted in the Tenth Regiment Ohio Cavalry, but was soon after stricken with congestion of the brain of a severe type, as testified to by Post Surgeon Craig, resulting in disease of brain, nervous system, throat, lungs, kidneys, and spine, and at the time his regiment was sworn in he lay unconscious and could not be mustered; and this is the reason his name does not appear upon the roll of the regiment.

Post Surgeon J. W. Craig, of Camp Mansfield, Ohio, under date of October 27, 1862, certified that the claimant "is unfit for military duty on account of spinal irritation and congestion of the base of the brain of a severe type, and he will perhaps be unfit for military duty in the future."

The affidavits of four physicians who have attended him through all the years since, testify to his great sufferings, and that his sickness has been congestion and irritation of spinal column, with all the train of suffering and disease that would grow out of that, until claimant is at the present time a complete wreck.

The board of examining surgeons at Kalamazoo, Mich., under date of June 24, 1885, say: "Great suffering and complication of troubles as result of disease of brain," and report claimant entitled, in their opinion, to "total second grade."

Although told by Governor Tod and the State treasurer of Ohio that he (claimant) should be re-imbursed for all moneys expended in enlisting men, he never received any compensation for such service, nor desired any return, cheerfully contributing of his means for the support of the Government; and not until his own private fortune was exhausted did he apply for a pension.

The bill is reported favorably with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 838.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 6984.]

*The Committee on Pensions, to whom was referred the bill (H. R. 6984) granting a pension to Margaret E. Graves, have examined the same and report:*

This bill passed the House on the 16th of March. The House report is adopted, and is as follows:

Margaret E. Graves was the mother of Pliny A. Graves, who enlisted as a member of Company F, Fifth Regiment New York Cavalry, September 7, 1861, for three years. He was "killed in action" at Ely's Ford, January 22, 1864. He died, leaving no wife or descendant, but leaving the said Margaret, his mother, and Simeon Graves, his father. Simeon Graves died in July, 1868.

The soldier before his enlistment lived at home, giving his parents the benefit of his labor and earnings. While in the service he sent them at different times quite a large sum of money, and that he was a kind and affectionate son. The husband during his life-time, although subject to attacks of sickness, did in fact support his wife. Mrs. Graves, in 1869, filed her claim for pension, and the same was rejected solely on the ground she failed to show that at the time of her son's death, in 1864, she was dependent upon him for support. Upon the settlement of her late husband's estate there was nothing left for the widow for her support.

It clearly appears that this widowed mother is now sixty-four years of age, that she has no property, real or personal, is dependent upon her own labor for her support, and is not in good health.

Your committee believe that this poor widow and mother, whose son, kind and affectionate to his mother, was killed in battle, and now in her old age and poor health is dependent upon her own labor for her support, is fairly entitled to the relief proposed by this bill.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 839.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 3870.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Albert Nevin, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is adopted, and is as follows:

Albert Nevin enlisted in the Ninety-second Regiment New York Volunteers September 22, 1862, for three years. At the battle of Kingston, N. C., December 14, 1862, he received, according to his certificate of discharge, date of September 1, 1863, a gunshot wound "carrying away the lower jaw at a point corresponding to the anterior molar of either side. Articulation very imperfect and mastication impossible."

The certificate of the examining surgeon, of the date of September 6, 1863, describes him as follows:

"Wounded at Kingston, N. C., December 14, 1862. The lower jaw on either side as far back as the angle, has been removed, resulting in frightful deformity. Loss of power of articulation, mastication, and deglutition."

In November, 1863, he was granted a pension of $8 per month.

Congress, in July, 1886, granted him a pension at the rate of $25 per month.

He now asks that it be increased to the sum of $50 per month.

The act of Congress having fixed his rate of pension at a definite sum, the Pension Bureau has no power to change the same. His only relief is by another special act.

The evidence filed with the committee shows him to be badly suffering from indigestion occasioned by his inability to masticate his food, resulting in such a debilitated condition of his system as to be wholly unable to perform manual labor; that he is so poor that he is unable to provide himself with suitable food.

The committee think that this soldier, from the awful nature of his wound and the necessary consequences thereof, and his extreme poverty, should receive the relief provided in this bill.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 840.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 3603.]

*The Committee on Pensions, to whom was referred a bill to increase the pension of Maxwell Carroll, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is adopted, and is as follows:

Claimant was first lieutenant of Company B, First Regiment of Virginia Cavalry. At the battle of Hanover, June 30, 1862, he received a severe gunshot wound of right hip, for which he is now receiving a pension of $24 per month. This bill proposes to increase the pension to the amount that he would be entitled to receive had the limb been amputated above the knee. The reports of the examining boards show that the bullet is still lodged in the hip; that the ball must have fractured the neck of the femur, the head and neck of which are becoming absorbed, causing a shortening of the limb of about 4 inches. The hip is also much shrunken, being 3 inches less in circumference than the other. There is also a partial anchylosis of the hip joint, destroying the power of motion to a great extent. The examining board at Kansas City, Mo., report, September 27, 1886, that "he is totally disabled from performing any manual labor, and requires the aid of another person in dressing."

Your committee are justly satisfied that the disability is equal to the loss of a limb at the knee.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 841.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 3490.]

*The Committee on Pensions, to whom was referred a bill granting a pension to James M. Berry, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is adopted, and is as follows:

The record in this case shows that John H. Berry and Robert L. Berry, sons of James M. Berry, enlisted in the Illinois Infantry as privates, and while in the service one of them was drowned and the other died of disease contracted in the service. After their death and after the close of the war their mother, the wife of said James M. Berry, made application to the Pension Office for a pension, but said application was rejected for the reason that the testimony did not sufficiently show that the mother was depending on the soldiers for her support at the time of their enlistment. The testimony of Dr. Hobson, now on file with the committee, shows that the said James M. Berry is afflicted, and has been so afflicted for about twelve years; that he has not been able to take care of himself, and most of the time he has had to have constant personal attention.

The testimony of Abner Moore and John E. Knight further shows that the said James M. Berry for the last twelve years has been totally disabled physically, and has been unable to dress himself or help himself on account of paralysis, and that he has no means of support whatever, and that if the said Robert L. Berry and John H. Berry were now living the said James M. Berry would be depending on them for his support. The records further show that the mother of the said soldiers departed this life about four years ago. And from the evidence aforesaid it appears now that the said James M. Berry would be depending on the said soldiers for a living if they were now living, and that he is now about seventy-nine years of age, and in the course of nature can not live long, and is poor and needy.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 842.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 5829.]

*The Committee on Pensions, to whom was referred a bill for the relief of Joseph Driskill, have examined the same, and report:*

This bill passed the House on the 9th of March. The House report is adopted, and is as follows:

Joseph Driskill, now of Clinton County, Ohio, was a soldier during the late war, having enlisted on the 12th day of October, 1861, in Company C, Fifty-fourth Regiment Ohio Volunteer Infantry, for three years or during the war. He discharged his duties faithfully under many vicissitudes, having suffered much from sickness, but performed his duty whenever it was possible for him to do so. He was with his regiment in Sherman's campaign, which finally resulted in the capture of Atlanta, Ga.

In the battle of July 22, 1864, in front of Atlanta, he was captured by the enemy and sent a prisoner to Andersonville, and he was kept a prisoner until April 22, 1865. The sufferings of the prisoners at that place have become a matter of history. Driskill was exposed to all the hardships the prisoners had to submit to, and besides being nearly starved he contracted a disease of the eyes. He believed that he would die there. He became desperate, and was willing to resort to anything which might promise him a chance to get back to his regiment and save his life. According to his own statement, which is no doubt truthful, he thought he saw an opportunity to get away when a Confederate recruiting officer came to the prison there to get recruits for the Confederate service. He says that he told them they might use his name, but he denies that he took any oath to support the Confederacy, or that he ever bore arms in the Confederate service. On the contrary, he says when they informed him that he must either do that or go back to prison he attempted to make his escape, and actually jumped off a railroad car while in motion, but that in a few days afterwards he was recaptured by the Confederates and sent a prisoner to Macon, Ga., where he was held in custody until released by General Wilson, who captured the place and assigned him to duty with the Fifth Ohio Cavalry, where he continued until the close of the war, which was only a short time after, and was sent by way of Savannah and Hilton Head to New York, where he was mustered out of the service. This is the story substantially told by him, and there is nothing in the evidence or in the papers on file to contradict it.

The records show that he was captured by the Confederates July 22, 1864. The reports on the muster-rolls, as given by the Adjutant-General in his letters to the Pension Office of August 15, 1876, January 19, 1878, and March 2, 1878, evidently contain errors. The first one, that of August 15, 1876, gives the company muster-rolls for July and August, which report Driskill "absent, taken prisoner before Atlanta;" while that for March and April, 1865, report "present on detached service."

Adjutant-General's letter of January 19, 1878, reports Driskill on detached service in March and April, 1865; that July was the last report of the company, and reports him "absent on detached service."

The Adjutant-General's letter of March 2, 1878, reports Driskill present March and April, 1865, with a remark, "on detached service." August 7, 1879, the Adjutant-General makes substantially the same statement, and also that Driskill was mustered out of the service in New York City September 8, 1865 with, the remark, "prisoner of war from July 22, 1864, to April 22, 1865."

The Confederate records of Andersonville report J. B. Driskill, Company I, Fifty-fourth Ohio, "transferred to Colonel O'Niell January 23, 1865."

Now, it will be seen that there is great confusion in these reports. Driskill is reported captured July 22, 1864, and present with his company in March and April, 1865, but on detached service, while in truth and in fact he was a prisoner at Andersonville.

There is nothing whatever to show that Driskill committed any disloyal act. He performed his duty as a soldier faithfully, and never deserted. There is no charge of desertion against him. There is no charge that he ever failed to do his duty while with his company and regiment, or any assigned duty with another company and another regiment. He was taken prisoner in one of the desperate battles at Atlanta, and he was found a prisoner when General Wilson captured Macon. During this time there is nothing whatever to show that he was anything else but a prisoner, or regarded in any other light except what he tells himself about his scheme to escape.

Now, who can blame him? Who, with starvation, disease, and death staring him in the face would not have made an effort to get away from it? The effort he made was entirely justifiable, and the fact that he was willing at once to go to duty corroborates his statement that his purpose when he agreed to go with Colonel O'Niell was that he might make his escape and get back to his own command.

The Confederate records report that he was transferred to Colonel O'Niell, but for what purpose is not stated, nor would it have been known perhaps had not the soldier honestly told all about the affair.

He has, in consequence of the loss of his eye-sight, asked for a pension, but the Pension Office has refused it because of the fact of his effort to escape from a Confederate prison. There is no other charge against him, and there will be no other, and it would seem that this is rather straining the law to reject his application. He did not desert; he did not bear arms against his country; he did not in fact give aid and comfort to the enemy.; but he did, for the purpose of getting back to his own people, pretend that he would go into the enemy's service, and then at the first opportunity deserted from them. Can any one imagine a stronger case of devotion? He had good reason to believe that if he remained at Andersonville he would lose his life. He devised a scheme by which he hoped to escape. This scheme was as justifiable as was that of the prisoners who burrowed out of the walls of Libby Prison in Richmond, or those who went out though a sewer from the prison at Columbus, Ohio. Such acts are always justifiable on the part of prisoners. The enemy who hold them as prisoners might punish them for their efforts to escape if caught, but certainly it is not for their own people to call them to account because they made the effort to get back to them.

Driskill now asks Congress to remove this difficulty from the path of the Pension Office so that he may get a pension that may solace him in his old age. The hardships he endured while in the service caused him to lose the sight of one eye entirely and the other is very near gone, so much so that he requires some one to lead him about constantly. The rule of the Pension Office, as applied in his case, has been a very harsh one. He was a faithful soldier, and his only misfortune was that he made an effort to get back to his own army. Had he remained there perhaps he might have died, but had he not died there would have been no question raised against him by the Pension Office; but the very fact that he endeavored to get away and get back is construed into a crime.

He earnestly and respectfully requests Congress to give him the necessary relief.

After a careful consideration of the evidence in the case, your committee are of opinion that the relief asked for should be granted.

**The bill is reported favorably, with a recommendation that it do pass.**

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 843.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 5388.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Elizabeth Buffington, have examined the same, and report:*

This bill passed the House on the 16th of March. The House report is adopted, and is as follows:

Elizabeth Buffington is the mother of George Merrill, late of Company I, Twenty-first Regiment Ohio Volunteers, who died April 7, 1871, leaving neither widow nor minor child surviving him. Her claim for pension has been rejected because the evidence, in the opinion of the Pension Bureau, fails to show the immediate cause of the soldier's death.

George Merrill enlisted August 29, 1861, and served until mustered out July 25, 1865. The records of the War Department show that he received a gunshot wound of left thigh in action at Chickamauga, September 19, 1863, and also a wound of right thigh in action at Kenesaw Mountain, June 28, 1864. The records of the Surgeon-General further show that he was treated for fracture of head received in action January 5, 1865, and later for abscess (locality not stated), and still later for dropsy.

There is an abundance of evidence showing that soldier upon his return home was an invalid, and continued to ail with some disease of head until his death in 1871. He was under medical treatment during that entire period, but the death of the two attending physicians precludes the possibility of obtaining positive evidence as to the precise nature of the disease from which he suffered and which caused his death. It is shown, however, by the testimony procured during a special examination of the case, that soldier complained constantly of a ringing in his head, had spells of dizziness, and at the least exertion would become exhausted. There was also a nearly constant discharge from the ears. For more than a year prior to his death he was unable to perform any labor, and during the last six or more weeks of his life he was confined to his bed. It is also shown that his mind became seriously affected, and that this disease of the head became complicated with diabetes, as it would appear from lay testimony.

That the injury of head, shown by the record to have been received in action, was the principal cause of soldier's disability and death can hardly be questioned. But even were this connection clearly shown, pension to the mother would still be denied by the Pension Office, because said injury was not received in action, but under circumstances not strictly attributable to "line of duty" as that phrase is construed by that office. It appears from the evidence filed by the claimant and corroborated by the report of the special examiner that in January, 1885, while the command was on picket duty, some of the men picked up a cannon-ball and amused themselves by throwing it over their heads. Soldier did not engage in this sport it any manner, but accidentally was hit in the head, when he fell senseless, and was as once taken to the hospital. The injury having been received while on duty, and without any fault on his part, it seems to your committee that "line of duty" should not be questioned.

That soldier contributed liberally to the support of the claimant, and that such contributions were needed because of her husband's physical disabilities, as well as his intemperate habits, is fully shown by the evidence on file.

The special examiner, referring to the claimant in the summary of his report, states that she is evidently honest and anxious to answer truthfully all questions.

She is living in abject poverty, and on account of her generally pitiable condition has the sympathy of the entire community in which she resides. He further states that the testimony elicited by him is thoroughly reliable, and while it is not conclusive, yet he is impressed with the merits of the claim, and submits it for admission.

The claimant's family was well represented in the Army. Three sons, a husband, and three step-sons served during the late war, but one of whom is now surviving.

Your committee, after a careful examination of the evidence presented, are fully satisfied with the merits of the case, and regret that the general law and the rules enacted thereunder will not permit favorable action by the Pension Bureau.

**The bill is reported favorably with a recommendation that it do pass.**

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 844.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 3682.]

*The Committee on Pensions, to whom was referred a bill to pension Mary Goodall, have examined the same and report:*

This bill passed the House on the 16th of March. The House report is adopted and is as follows:

Emily Goodall is the widow of Robert S. Goodall, late first-class pilot United States steamer *Champion*, of the Mississippi squadron, who died of disease of lungs February 1, 1887.

Robert S. Goodall entered the naval service of the United States at Louisville, Ky., on the 17th of August, 1863, as first-class pilot on the United States gun-boat *Champion No.* 4, and was honorably discharged on the 17th day of May, 1864. He applied for pension on account of pleurisy and resulting disease of lungs, July 19, 1879, but his claim was rejected by the Pension Office because of a record made by Assistant Surgeon Vail, to the effect that Goodall was admitted to the sick list February 28, 1864, for "pain over stomach, liver, and right pleura, which originated from the excessive use of alcoholic stimulants."

On February 26, 1881, an act was passed placing the name of Goodall on the pension roll, and in pursuance of said act he was allowed total pension for disease of lungs.

It appears from the evidence on file that Goodall received his appointment from Admiral Porter upon the recommendation of Capt. Z. M. Sherley, of Louisville, Ky., who, because of his familiarity with the navigation of the Western waters, was requested to secure suitable men for this service.

For several years prior to his enlistment Goodall was in the employ of Captain Sherley, who testifies that at the time he (Goodall) entered the service of the United States he was a stout, active man, in good health and physical condition, and in full possession of his mental and physical powers. That he was a temperate man, otherwise he would not have employed and entrusted such vital interests to him as pilot of the first-class steam-boats in the West. That during the time of his services as pilot in the United States service, and since his discharge from the service, affiant was well acquainted with the habits of Goodall, and knows that the disease under which he labored did not arise from the excessive use of alcoholic stimulants or from intemperance. The affidavit of Captain Sherley, above referred to, bears the following indorsement:

"I am personally acquainted with Captain Sherley, have been for a number of years, and would rely as implicitly upon his word as that of any person of my acquaintance.

"June 8, 1874.

"U. S. GRANT."

Dr. Henry Chenoweth, who had been Goodall's family physician for ten years, Dr. Lewis Rogers, and Dr. John Thurston, who had known him for years, all of whom are of the highest personal and professional standing, confirm Captain Sherley's statement, that prior to his enlistment Goodall's "health was unimpaired, and that his habits were uniformly good and temperate."

Ensign Merwin Allen testifies:

"During Captain Goodall's term of service I was doing duty on the *Champion* as watch officer, and the greater portion of the time as executive officer. Captain G.'s ill-health and disability were occasioned in the line of his duty as first-class pilot. I

further state I believe Assistant Surgeon Vail made the report of his (Goodall's) sickness through malice and ill-disposition toward Goodall, caused by some private difficulty between them, and that said Vail continued to be inimical to Goodall until the time of his (G.'s) departure from the vessel.

Pilot W. S. Henthorn swears:

"I was over two years on the *Champion*, and know something of the dangers and exposures that it was necessary to undergo while under way. We had to remain six hours within an iron-casemated pilot-house, without fire, with scarcely any protection from rain or cold. Captain Goodall was a very efficient pilot, and, until he took sick, was always ready for duty, and I firmly believe his ill-health and final disability was occasioned by exposure while in the line of duty as pilot in the United States Navy. I have seen the entry of Mr. Vail, and have reason to think it is wholly malicious, as I know that the surgeon and Captain Goodall were not on amicable terms. He (the surgeon) remarked to me the day Captain Goodall took his departure, "Well, Henthorn, you have lost your partner." I asked him if he thought the captain would not get able to return to the vessel. He laughed and remarked he would not be permitted to do so when his (Vail's) report met the eye of Admiral Porter."

Second Engineers C. A. Fisher and George Wadlee also testify in corroboration of above statements.

Your committee are clearly of opinion that the evidence in the case fully warranted the passage of a bill for the relief of said Robert S. Goodall, he having died of the disease which Congress by its action recognized as chargeable to the naval service of the United States, and no good reasons appearing why a different conclusion should be reached in this case, unless it be the adverse action of the Pension Bureau upon the widow's claim.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 845.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2060.]

*The Committee on Pensions, to whom was referred the bill (S. 2060) granting a pension to John R. Duey, have examined the same, and report:*

Claimant enlisted in Company C, Fifty-fourth Ohio Volunteer Infantry, October 18, 1861, and was discharged August 15, 1865. He was pensioned February 14, 1888, at the rate of $30 per month from October 19, 1886, and $50 per month from April 13, 1887, for wound of generative organs, affection of back, and resulting paraplegia. His claim for pension on account of disability of right hand and wrist is now pending before the Bureau of Pensions.

Congressional action in this case is not necessary, since claimant's name is already on the pension-roll. Your committee therefore recommend indefinite postponement of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 846.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2120.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Stanley G. Bowron, have examined the same, and report:*

The claimant alleges that he enlisted July 24, 1864, in First Missouri Engineer Corps, and was discharged September 21, 1864, showing a service in that organization of sixty-two days. Also, that he was enlisted in Company I, Fifty-first Wisconsin Volunteers, but does not state the time. The Adjutant-General does not find any record of service in either organization. It appears, however, that he was employed as a first-class carpenter in Tennessee quartermaster's department at $75 a month. He has produced no evidence to furnish a basis for a favorable report.

The committee therefore report the bill unfavorably, with a recommendation that it be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 847.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1382.]

*The Committee on Pensions, to whom was referred the bill (S. 1382) granting a pension to Mrs. Catharine Ferguson, have examined the same, and report:*

Claimant is the widow of William A. Ferguson, late a corporal of Company A, Fourteenth Illinois Volunteer Infantry, and was pensioned at the rate of $8 per month from August 20, 1872, to March 4, 1886, when her name was dropped from the roll, on the ground that a special examination of the claim showed that the late soldier's death was not due to cause for which he was pensioned, but resulted from an injury caused by the kick of a mule on the day of his death.

The late soldier was pensioned at the rate of $6 per month for gunshot wounds of left hip and face, from September 17, 1865, to August 19, 1872, the date of his death.

The testimony in the claim is so conflicting that it is difficult to determine whether his death was in any way due to disabilities incurred in the service, or whether it was wholly attributable to injuries received from the kick of a mule, August 19, 1872.

Dr. Colin M. Robertson testified that the soldier's death resulted from wounds received in the service, although it is not shown that the doctor was present when he died.

William Smedly, Christopher Smedly, Barton S. Osborn, John T. Beakman, Eliza Watt, Clara A. Couchman, and Jacob Haffing corroborate the testimony of Dr. Robertson.

Claimant testifies that her late husband received severe injuries from the kick of a mule on the day of his death, and her testimony is corroborated by George Wolf, the only witness to the incurrence of said injuries.

It is shown by competent testimony that the late soldier's whole physical system was greatly shattered by wounds received in the service, and his recuperative powers so reduced as to render him any easy prey to disease or injury.

It is not shown, however, all other causes being removed, that claimant's late husband would have died at the time that he did from disabilities received in the service.

A transcript from the public records, showing the cause of soldier's death, or a copy of the findings of the coroner's jury, if such documents exist, would be of value in determining the merits of the claim.

The case as it now stands is not ready for Congressional action, and your committee therefore report adversely, without prejudice to future action.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 848.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1759.]

*The Committee on Pensions, to whom was referred the bill (S. 1759) granting a pension to Isaac C. Higgins, have examined the same, and report:*

The claimant was a private in Company G, Sixty-fifth Indiana Volunteers, enlisted July 15, 1862, mustered out June 22, 1865. His declaration for a pension was filed July 1, 1886, upon the ground of sun-stroke at Atlanta, Ga., July 22, 1864, resulting, as claimed, in partial paralysis, blindness, and dizziness. There is no evidence that he was treated for sun-stroke or other of these injuries in the service.

Since his discharge he has been twice examined by board of surgeons in regard to his present disability; once at Washington, Ind., September 8, 1886, once at Princeton, Ind., October 26, 1887. Both times the board of surgeons report him in good health, that they fail to find any disability as the result of sun-stroke, and certify "no rating" for any cause.

The Bureau of Pensions upon these grounds rejected the claim; upon appeal their action was affirmed.

We concur therein, and recommend the indefinite postponement of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 849.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1997.]

*The Committee on Pensions, to whom was referred the bill (S. 1997) granting a pension to Peter Thompson, have examined the same and report:*

Claimant enlisted in the Black Hawk War, in Capt. Jeremiah Smith's company, Second Regiment Illinois Mounted Militia, as a sergeant, April 20, 1832, and was discharged with the company May 27, 1832.

The claim was rejected May 23, 1884, on the ground of no record evidence and claimant's inability to furnish satisfactory testimony connecting the alleged rheumatism with the service and line of duty.

The testimony in the claim is as follows:

The claimant states that he is now seventy years of age, and is suffering from sciatic rheumatism contracted by exposure in the service, in line of duty, May or June, 1832; that he is unable to furnish testimony showing origin of rheumatism in the service for the reason that he has been unable to ascertain the whereabouts of either the officers or enlisted men of his company; that the rheumatism was contracted by sleeping on the ground in wet weather, and mainly affects his left leg; that his occupation is that of a farmer, and he is unable to do but little work of any kind; that he is credibly informed that all of the officers of his company are now dead.

In affidavit filed September 25, 1883, John W. West, of Lamonte, Mo., testifies that claimant is the identical Peter Thompson who served in Captain James's company of Illinois Volunteers in the Black Hawk War.

Millie Boon, of Barnetts, Mo., testifies that claimant was lame upon his return home from the war, caused by exposure incident to the service; that his lameness was caused by sciatic rheumatism, which has continued to the present time.

Thompson M. Howser, of Eldon, Mo., testifies that he has been acquainted with claimant since 1850, and that the said claimant has suffered from injury in the left hip during all the time of his acquaintance with him.

Malinda Howser, of Aurora Springs, Mo., testifies to a crippled condition of claimant's leg since 1850.

G. M. Bandy, of Eldon, Mo., testifies that claimant has been lame in his left leg from rheumatism contracted in the Black Hawk War since 1854.

Henry Wrafford, of Litchfield, Ill., testifies to continuance of chronic rheumatism since 1858.

Howard Jackson testifies to the continuance of rheumatism since 1867, greatly disabling claimant for manual labor,

Moses Kelsy, of Eldon, Mo., testifies that claimant has been disabled for manual labor since 1867, by reason of disability causing lameness.

Samuel T. Harrison corroborates the testimony of Moses Kelsy.

Dr. L. M. Camp, of Aurora Springs, Ill., in affidavit filed May 26, 1886, testifies that he has known claimant for four years; that upon examination finds the joints of his left leg quite stiff and growing worse all the time, incapacitating him for manual labor, and that the said stiffness of joints is caused by chronic rheumatism.

The examining surgeon, under date of September 5, 1883, gives claimant a total rating for disability caused by rheumatism.

Although there is no evidence showing the existence of rheumatism in the service, it is quite clearly established that claimant was affected by rheumatism on his return from the war in 1832, and has suffered from the same disability to the present time.

The facts in the case seem to warrant favorable action, and your committee, therefore, recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 850.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1267.]

*The Committee on Pensions, to whom was referred the bill (S. 1267) granting a pension to J. B. Tingley, have examined the same, and report:*

Claimant was enrolled October 16, 1862, in Company K, One hundred and sixty-ninth Pennsylvania Volunteer Drafted Militia, at Pittsburgh, for nine months, and was mustered out with the company July 26, 1863.

On March 26, 1883, claimant filed his application for pension on account of sunstroke and results incurred near Hagerstown, Md., July 15, 1863. Claim was rejected May 20, 1885, on the ground of no record, no medical or other evidence showing the existence of sunstroke in the service, or that his disease of eyes resulted from sunstroke.

The testimony in the claim is as follows:. In his affidavit, filed April 7, 1884, claimant states that his regiment left Gloucester Point, Va., in the early part of July, 1863, and joined General Meade's army about July 15, 1863, having marched ten miles that morning; his command was put on with General Meade's soldiers and marched to Hagerstown, Md., and when near the last named place he was overcome by a sunstroke, and was compelled to drop out of line; that he was unconscious for a long time, and was cared for by a comrade by the name of Weeks; that everything before his eyes turned first green then dark; that he was treated by no surgeon at the time; that his sight began to fail him soon after his return home from the war till 1876, when everything looked unnatural, and in 1882 he became so blind that he was totally disabled for work, and has been in the same condition to the present time; that the physicians who treated him soon after his return from the service are now all dead.

In affidavit filed January 30, 1885, claimant states that he is unable to furnish any evidence as to the origin of his disability, other than that already filed, for the reason that the sunstroke was received on July 15, 1863, while on a forced march near Hagerstown, Md., and neither the surgeon nor assistant surgeon of the regiment was present at the time, and his term of service expired the next day, although he was not mustered out until July 26, 1863.

In affidavit filed November 22, 1887, claimant states that the sunstroke affects the nerves of his eyes to such an extent that he can not see to work; that he is entirely blind in his right eye and can see but

little out of his left eye; that he is entirely destitute and has a large family to care for.

Silas D. Tingley, a comrade, testifies that claimant, from hard marching in excessively hot weather, incurred a sunstroke near Hagerstown, Md., about July 15, 1863, and was cared for by comrade Weeks, who is now dead; that he saw claimant constantly from the date of his discharge to 1877, when he (claimant) went to Nebraska; that said claimant was in poor health and was suffering from an affection of the eyes, which began soon after his discharge from the service.

Jacob Lubold, a comrade, testifies that claimant fell out of ranks at Hagerstown, Md., July 15, 1863.

Mrs. Mary E. Tingley testifies that she is claimant's wife; that her said husband has been suffering from affection of eyes, in consequence of a sunstroke incurred at Hagerstown, Md., July 15, 1863, from the date of his discharge from the service to the present time, and has been able to do but little work on account of said disability.

E. W. McCormick, of Cochranton, Pa., in an affidavit filed April 7, 1884, testifies that he was intimately acquainted with claimant from the date of his discharge from the service to 1877, and that during all that time his eye-sight was growing gradually worse.

In affidavit filed January 30, 1885, Dr. Alexander Thompson, of Meadville, Pa., testifies that he has been a practicing physician and oculist during the past thirty years; that in his memorandum under date of July 13, 1877, he finds the following reference to claimant: J. B. Tingley, farmer, aged 40 years; eyes failing for a long time. They are not sore, but claimant complains of floating specks before his eyes. Everything glimmers; has to exclude the light.

In affidavit filed April 7, 1884, John Hayward, of Vallonia, Kans., testifies that claimant's sight has been growing constantly worse since 1879, and that he has been almost totally blind during the past year.

In affidavit filed April 7, 1884, Dr. Joseph Moore, of Oberlin, Kans., testifies that he has been acquainted with claimant since July, 1880; that he has examined claimant's eyes and finds him almost blind, and that his sight is growing gradually worse from year to year.

In affidavit filed April 7, 1884, Dr. John B. Pilkington, of Portland, Oregon, testifies that he examined claimant's eyes August 30, 1883, and found cataract growing upon both of them, causing total blindness for all practical purposes and rendering claimant unable to go alone; that he operated upon claimant's left eye, removing the opaque lens, thereby rendering claimant partial relief; that claimant is unable to distinguish one person from another, nor can he earn his living by handiwork. An ophthalmoscopic examination of the retina of the eye shows such a disturbance of the nervous structure as to make it appear probable that the blindness was superinduced by the sunstroke; that claimant is still blind from cataract in his right eye, and that, in all probability, he will never see sufficiently well to enable him to do business in support of himself and family.

In affidavit filed November 22, 1887, Richard L. Tinker, Frank R. Gump, Samuel West, Joseph W. Warren, J. P. Bayha, Dr. J. L. Elliott, Dr. Robert Damsell, S. W. Coon, Charles W. Springer, William Gates, Henry Cook, T. C. Hacker, W. E. Jackson, and other citizens of Webster County, Nebr., testify that claimant is unable to support himself and family by reason of the loss of sight of right eye and defective sight of left eye.

All the affiants in this claim are reported to be persons of good standing in their community, and their testimony is entitled to credit.

Medical examination made in the claim shows claimant entitled to second grade rating for disability on account of loss of sight.

The evidence in the claim shows that claimant did receive a sunstroke in the service and in the line of his military duty a few days prior to his discharge, and that his sight, which was good prior to that time, has continually failed him, till now he is almost totally blind.

It is reasonably well established by competent testimony that claimant's loss of sight was superinduced by a sunstroke as claimed by him, and that he is entitled to a pension.

Your committee therefore recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 851.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

MR. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2567.]

*The Committee on Pensions, to whom was referred a petition praying that a pension be granted Mrs. Nancy Polock, have examined the same, and report:*

William A. Polock, the late soldier, was a second lieutenant in Company C, First Nebraska Volunteer Infantry, from April 30, 1863, to October 3, 1865. He was pensioned at the rate of $6 per month from October 4, 1865, to March 30, 1882, the date of his death, on account of rheumatism contracted in the service. Application of Nancy Polock, widow of said soldier, was filed August 23, 1882, and rejected August 30, 1885, on the ground that the soldier's fatal disease of kidneys was not a result of the rheumatism for which he was pensioned.

The records of the War Department show that the above-mentioned soldier contracted rheumatism in the service, and the evidence in the case shows that the said disability continued to the time of his death. He also had varicose veins of right leg, said to have resulted from rheumatism.

In her affidavit, filed May 5, 1885, claimant states that it is impossible for her to furnish medical evidence showing the pathological connection between the rheumatism for which her late husband was pensioned and the chronic diarrhea from which he died, because he never allowed physicians to attend him, and he was attended by no doctor during his last sickness. In affidavit filed June 18, 1885, claimant states that two years prior to soldier's death he suffered from dropsy in his back and right leg, and affection of the kidneys, causing swelling of his hands, arms, and lower extremities; that his heart was also affected as a result of rheumatism.

In affidavit filed April 23, 1883, Moses M. Conner, of Brownville, Nebr., testifies that he waited on the late soldier for eight days next preceding his death, and is satisfied that he died from dropsy, a result of rheumatism.

In affidavit filed April 23, 1883, Dr. Charles F. Stewart, of Brownville, Nebr., testifies that he has been a practicing physician for twenty years; that he was called to see the late soldier about fifteen hours before his death, which was caused from dropsy; that he found upon examination a large ulcer upon right leg, which he supposed to be a varicose vein; that he was informed by soldier's family that no physician had been employed in the case.

In a letter filed May 19, 1885, Dr. Stewart states that he found the soldier in a dying condition when he arrived at his bedside, and consequently made but a casual examination of him; that having never seen the soldier professionally before, it is impossible for him to say what pathological connection there might have existed between his rheumatism and dropsy.

In affidavit filed December 21, 1885, Dr. Alfred Crane, of Brownville, Nebr., testifies that claimant suffered two years prior to his death from a kidney complaint caused by a varicose ulcer, chronic diarrhea, and rheumatism.

In an affidavit filed September 27, 1887, Paul H. Douglas, of Brownville, Nebr., testifies that soldier's former wife died September 3, 1854, and his testimony is corroborated by Moses M. Conner, of Brownville, Nebr.

The marriage of claimant to soldier is certified to by a transcript from the records of Scott County, Ill.

There are no minor children surviving the late soldier.

John M. Thayer, governor of Nebraska; Thomas J. Majors, State senator; Wilson E. Majors; J. H. Bradley, district judge; F. E. Johnson; S. M. Rich, mayor of Brownville; R. T. Rainey, postmaster; Theodore Hill, and others, in a petition dated February 3, 1888, state that the soldier died March 30, 1882, from the effects of chronic diarrhea and muscular rheumatism, contracted in the service, and that his widow, Mrs. Nancy Polock, is now in very indigent circumstances.

The facts in the case warrant favorable action, and your committee therefore report a bill and recommend the passage of the same.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 852.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1320.]

*The Committee on Pensions, to whom was referred the bill (S. 1320) granting a pension to Catharine M. Lee, have examined the same, and report:*

That the applicant was an Army nurse in the hospital at the Jarvis Military Hospital, in Baltimore, Md. She served from July, 1864, until July 25, 1865, when she was honorably discharged from the service, the war being over and the hospital being then discontinued. She is now over sixty years old, feeble, and unable to work for a living. She is also without means.

The case was once before referred to the committee, and a report was made thereon by Senator Blair, now and then a member hereof, recommending the passage of a similar bill for her relief. This report was made July 20, 1886, is yet on the files of the Senate, and is hereby adopted and approved in this case, and passage of the present bill is accordingly recommended.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 853.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1895.]

*The Committee on Pensions, to whom was referred the bill (S. 1895) granting an increase of pension to Caroline M. Norton, have examined the same and report:*

That the claimant is the widow of Lieut. Col. Franklin Norton, late of the One hundred and twenty-third Regiment New York Volunteer Infantry, who was killed at the battle of Chancellorsville, May 1, 1863. The claimant is now, and has been since May 12, 1863, drawing a pension of $30 per month. She has one daughter of her marriage with the soldier, born in 1857.

It is not shown that the daughter is dependent upon the mother. The reason given in the claimant's petition for increase is that the sum now paid her is not sufficient to adequately support the petitioner or to meet the "demands which are rightfully made upon her for the support of her aged father-in-law." As commendable as this action of the petitioner may be in aid of her relative spoken of, we do not think the same any legal ground for increase. The claimant is now in receipt of the amount allowed by the general law as pension of the widow of an officer of her late husband's rank in the Army. We do not feel inclined to make an exception in her favor upon account of any of the matters shown in the record.

It is recommended that the bill be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 854.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2046.]

*The Committee on Pensions, to whom was referred the bill (S. 2046) granting a pension to William H. Fletcher, have examined the same, and report:*

That the claimant was a private in the First and Third Regiments of United States Cavalry, and appears to have served the term of two enlistments. The claim for a pension is based upon lung disease, rheumatism, and piles, alleged to have been contracted in the service in the years 1861, 1862, and 1863.

There is some evidence on file that the claimant is suffering at this time somewhat from said diseases, but there is no evidence of any person except himself that the diseases were incurred in the service or that he was treated therefor during his service.

Two or three of the officers in his command testify to their acquaintance with the claimant, but say that they do not recollect of his being sick or disabled, or that he was treated for any such complaints while in the Army.

It is recommended that the bill be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 855.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1075.]

*The Committee on Pensions, to whom was referred the bill (S. 1075) granting an increase of pension to Elwin A. Scutt, have examined the same and report:*

That the applicant is already a pensioner of the United States. His application for increase was filed December 15, 1887; his re-examination was ordered and made January 18, 1888. His case is yet pending in the Pension Office undetermined.

In an application so recent and yet not decided we do not think it our duty to interfere. No case is made for special legislation, and your committee recommend that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 856.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 6586.]

*The Committee on Pensions, to whom was referred the bill (H. R. 6586) granting a pension to Nancy O. Gray, have examined the same, and report.*

The facts are correctly stated in the appended report of the Committee on Invalid Pensions of the House of Representatives. For the reasons therein set forth we recommend the passage of the bill.

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### HOUSE REPORT.

Wilson Gray, late of Company C, Eighteenth New Hampshire Volunteers, was pensioned for shell-wound of back, chronic diarrhea, rheumatism, and dislocation of right elbow, and died of so-called typhoid pneumonia, June 20, 1884. Soldier's widow, the claimant under this bill, applied for pension, which was rejected on the ground that soldier's death was not due to any of the disabilities, nor all of them combined, for which soldier was pensioned.

It is certainly fair to presume that disabilities such as this soldier was pensioned for, existing for twenty years or more, gradually undermining the constitution, necessarily and inevitably predisposed the system to attacks of acute disease, especially of an inflammatory nature. On this point Dr. C. W. Hanson, of Northwood Ridge, N. H., who treated soldier in his fatal sickness, testifies as follows:

"I knew Wilson Gray for about twenty years prior to his death, and did not consider him a strong or healthy man. I was called to treat him June 15, 1884, and found him suffering from typhoid pneumonia, raising very dark or prune-colored sputa, with pain in right lung, fever and tympanitic condition of bowels. These symptoms were soon followed by delirium and diarrhea, from which he died June 20. I have been accustomed to treat pneumonia in this locality for twenty-five years, but have met with this type of the disease only in the aged or those whose systems were broken down by previous disease or some debilitating cause, and I am of opinion that the chronic diarrhea which said soldier contracted while in the Army contributed largely in causing his death."

The claimant, as it appears from testimony filed with the committee, is in destitute circumstances and impaired health, with several children dependent upon her for support.

Your committee being of opinion that there is a strong probability that soldier's pensionable disabilities had much to do with inducing the fatal attack—which fatal disease rarely attacks any but those whose systems are debilitated by other ailments, report the bill back with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 857.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 816.]

*The Committee on Pensions, to whom was referred the bill (H. R. 816) granting a pension to Charlotte Broad, has examined the same, and report:*

We find the evidence amply sustaining the facts as stated in the appended report of the Committee on Invalid Pensions of the House of Representatives, which we adopt, and recommend the passage of the bill.

## HOUSE REPORT.

Frederick H. Learey enlisted November 25, 1863, in Company I, Second Regiment of Maine Cavalry, at the age of sixteen years, and died in the service at Barrancas, Fla., August 31, 1864, of chronic diarrhea.

Mrs. Charlotte Broad, of Troy, Me., made application for pension as dependent mother of soldier, but the claim was rejected on the ground that she was not his natural mother.

From an examination of the papers in the Pension Office it appears that Mrs. Broad took the child at the very moment of birth and adopted him, and that she did so because the natural mother threatened to destroy the child's life. It further appears that the foster-mother tenderly cared for the child up to the age of sixteen, when he enlisted in the Army. During his service soldier frequently sent his foster-mother money, as appears from letters on file, always addressing her as "mother," and exhibiting great solicitude for her comfort and welfare.

These facts are all so clearly established that unquestionably the pension would have been allowed through the regular channel had the claimant been the natural mother of the soldier, which the law requires. Inasmuch as she cared for the child from the moment of birth, and he knew no other mother but her, the case comes clearly within the scope of those recognized by Congress.

Claimant is nearly seventy years of age and utterly destitute.

A petition signed by one hundred and four of the leading citizens of West Troy, Vt., is filed with the committee, setting forth all the essential facts in the claim, and urgently praying that the relief be granted.

Your committee recommend that the bill be amended by inserting before the word "mother," in the sixth line, the word "foster," and with this amendment recommend its passage.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 658.

# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 4685.]

*The Committee on Pensions, to whom was referred the bill (H. R. 4685) granting a pension to Lizzie F. Reed, has examined the same, and report:*

The appended report of the Committee on Invalid Pensions of the House of Representatives fully and correctly states the facts in this claim.

Your committee beg leave to adopt the same, and recommend the passage of the bill.

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### HOUSE REPORT.

Oliver Reed was a private in Company A, Eighth Regiment, New Hampshire Volunteers. It is fully established that he was a strong, healthy man at the date of enlistment, which was October 25, 1861. The evidence of his captain shows that he was taken suddenly ill at a place called Median Village, La., on the last day of February, 1863, his disability being sciatic rheumatism, the result of a severe cold from being drenched with rain while on picket duty. Soldier entered the regimental hospital, where he remained until the removal of the regiment, when he was carried to Algiers, La. Afterwards he was taken to the Marine Hospital at New Orleans, where he remained until his discharge on the 19th day of June, 1863. He was continuously in hospital nearly four months, all the time suffering severe pain, and, as his captain testifies, was almost entirely deprived of the use of his lower limbs in consequence of the disease contracted in the service.

Soldier promptly applied for a pension, which was granted in due time. His first medical examination was on September 15, 1863, and, in addition to rheumatism, the examining surgeon records the fact that "soldier is emaciated, has little strength, and can walk only a short distance." Between 1863 and 1874 soldier was examined by medical officers of the Government ten times, and in every instance the record reads that in addition to rheumatism he was emaciated and debilitated generally, and unable to perform much manual labor.

It will be noted that soldier's original disability was the result of severe cold from getting wet while on picket duty; that the acute attack took the form of so-called sciatic rheumatism; that from the day soldier was stricken down until his death he was a great sufferer, his constitution being so undermined as to produce marked emaciation and debility. It certainly does not require a great stretch of the imagination to conclude that the sixteen years of suffering which this man endured so weakened the system that it was unable to resist the fatal attack, which it is almost certain resulted from a chill or some necessary exposure, and which would not have resulted seriously had soldier's constitution been free from the disabilities due to army service.

Soldier died January 5, 1879. The records show that for some time previous he suffered from laryngeal cough and great debility. The attending physician's certificate is something of a curiosity, his opinion being that—

"The bronchitis, laryngitis, and consumption from which he suffered weakened his system, and the indirect cause of death was consumption, and the direct cause of death was pneumonia."

The widow's claim for pension was rejected on the ground that the evidence did not warrant the conclusion, from a medical stand-point, that soldier died from the disease or disabilities for which he was pensioned. It would be a fruitless task to undertake to prove to the contrary, as the limitations of human knowledge stop short of that, but certainly the picture of this emaciated and debilitated soldier, dragging a diseased body through the long period of sixteen years, improperly nourished and steadily growing weaker, is not inconsistent with the opinion that the fatal disease was due to the exposures and privations of army life. And this opinion is strengthened from the fact, as every medical man must admit, that the severe drenching and chill received on picket duty, and which resulted in an acute rheumatic attack, may have laid the foundation of disease of the chest which did not fully develop until years had elapsed.

Claimant is in ill health and extreme poverty. She is a soldier's daughter, a soldier's sister, and a soldier's widow, and hence deserving of the benefit that any reasonable doubt can give her.

Believing that the case is one of real merit, your committee report the bill back favorably, and recommend its passage with an amendment striking out all after the word "volunteers.".

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# IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1888.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Transportation Routes to the Seaboard, submitted the following

# REPORT:

[To accompany bill S. 566.]

The Committee on Transportation Routes to the Seaboard having had under consideration the bill S. 566, first session Fiftieth Congress, respectfully beg leave to submit the following report:

On February 1, 1887, the same general subject covered by this bill being under consideration by this committee, in pursuance of a resolution of the Senate adopted January 5, 1886, it submitted a report to the Senate, of which the following is a copy:

**Senate Report No. 1773, Forty-ninth Congress, second session.**

On January 5, 1886, an important duty was imposed on your committee, in the adoption by the Senate, unanimously, on that date, of the following preamble and resolution:

Whereas the Columbia River is, with the exception of obstructions at the Cascades, distant from its mouth 160 miles, for a distance of about 5 miles, and further obstructions at The Dalles, distant from its mouth 220 miles, for a still greater distance, navigable for large-draught steamers from the sea to a point inland distant 1,032 miles, with tributaries aggregating over 300 additional miles of navigable waters; and

Whereas a canal and locks are now under process of construction by the United States Government around such obstructions at the Cascades; and

Whereas said Columbia River and its navigable tributaries drain an extent of country unsurpassed in agricultural, grazing, and mineral productiveness, capable of producing from 60,000,000 to 80,000,000 bushels of wheat annually, an area of country in geographical extent equal to one-twentieth of the entire area of the United States, as large as Germany or France, and over one-fourth of the area of South America; and

Whereas the commerce of that vast and fertile region is increasing with marvelous rapidity, the custom-house statistics showing that in the year 1884, 403 vessels passed out of the mouth of the Columbia River for foreign and domestic ports with cargoes valued at $15,600,000, as against 63 vessels in the year 1880 with cargoes valued at $4,181,352, while the tonnage over the bar at the mouth of the Columbia for the year ending September 30, 1885, was 869,943 tons; and

Whereas it is alleged that freight charges on wheat from The Dalles to Portland, Oreg., a distance of 88 miles, are now 12 cents per bushel of 60 pounds, and from Wallula, Wash., to Portland, Oreg., a distance of 214 miles, 18 cents per bushel, and all other freight charges, it is alleged, are in equal enormous proportions; and

Whereas it is alleged such freight charges are exorbitant and ruinous to the producer, and as it is further alleged that the real remedy for this evil is in freeing the Columbia River and its navigable tributaries from obstructions to navigation, and that this work is essentially national in its character: Therefore,

*Be it resolved*, That the Committee on Transportation Routes to the Seaboard be, and it is hereby, instructed to inquire into these alleged grievances, both as to their existence and the proper measures of relief, and also as to the importance of the speedy completion of the canal and locks at the Cascades of the Columbia and the means proper to be adopted to overcome the obstructions to navigation at The Dalles of the Columbia, and to report by bill or otherwise at the earliest practicable period.

In the performance of the trust reposed in your committee by this resolution, and of its duty in the premises, diligence and care have been exercised in ascertaining, so far as possible, the facts relative to the ex-

istence of the grievances alleged in the preamble and resolution to exist; and also have diligently and carefully investigated as to the proper measures of relief, as to the importance of the speedy completion of the canal and locks at the Cascades of the Columbia River, and have also thoroughly inquired as to the proper means to be adopted for the purpose of overcoming the obstructions to navigation at The Dalles of the Columbia.

For this purpose the investigation ordered by the foregoing resolution was, in the first instance, committed to a subcommittee of three, consisting of Mitchell of Oregon, chairman; Cullom of Illinois, and Butler of South Carolina; and the chairman of which, under direction of the committee, visited the valley of the Columbia in Oregon and Washington Territory during the recent vacation, and collected statistics and other information bearing upon the questions involved, all of which have been laid before your full committee.

From the investigation made by your committee it has been made entirely plain that the grievances, including lack of transportation facilities, exorbitant transportation charges, and unreasonable and unjust discriminations, set out in the preamble to the resolution, actually exist in and along the valley of the Columbia, in what is known as the great inland empire of the Pacific Northwest, including the State of Oregon and most of the Territories of Washington and Idaho, to the full extent and in all the aggravated forms as in such preamble alleged.

Your committee also find as true the allegations of such preamble in reference to the vastness, fertility, and present and prospective productive capacity in the matter of cereals, wool, stock, minerals, fruits, and grazing facilities of the empire of country drained by the waters of the Columbia River and its tributaries; the exorbitant character of the transportation charges and unjust discriminations on and along the Columbia River and on the lines of railroad owned, controlled, and operated by the Oregon Railway and Navigation Company (such corporation also owning and controlling the only line of steamers on the Columbia River and its tributaries above the mouth of the Willamette), and also the alleged paramount importance, in the interest of cheaper and more reasonable transportation facilities throughout the valley of the Columbia, of the early completion of the canal and locks at the Cascades of the Columbia, and the pressing necessity for the speedy adoption of some suitable means to overcome the obstructions to navigation at what are known as The Dalles of the Columbia.

Your committee, in executing the order of the Senate above quoted, have given special consideration to the three following subjects of inquiry:

(1) The character and extent of the country to be benefited and the commercial, agricultural, pastoral, mineral, and other interests to be promoted and subserved by the opening to free navigation of the Columbia River; and the importance, national and international, as well as local, of such improvement, and its probable resulting benefits to commerce and otherwise.

(2) What are the present transportation facilities, advantages, and disadvantages possessed by the people of the Columbia Valley and of the Pacific Northwest generally? Are they such as to encourage the growth and development of that empire? Are the burdens they impose in connection with the advantages they afford reasonable and just, or are they extravagantly exorbitant and inequitable in the matter of excessive charges and unjust discriminations, and grievous oppressions on the producers and shippers, and how far and to what extent, and in what manner, are these oppressions made possible or aggravated by

reason of these obstructions to navigation in the waters of the Columbia?

(3) What are the benefits, national, international, and local, commercial and otherwise, that would be expected naturally to flow from the opening up of this river to free navigation; and especially by the establishment of some engineering work, such as a canal and locks, or boat railway, to overcome these obstructions at The Dalles of the Columbia? And,

(4) In the event a conclusion should be reached—and from the facts presented there could, in the judgment of your committee, be no other conclusion—to the effect that the true interests of the commerce, not only of the Pacific Northwest, but of the nation at large, imperatively demand the speedy opening of this river to free navigation and unobstructed commerce through the medium of the General Government by the removal of, or surmounting these obstructions, then what are, in view of all the adverse circumstances, the exigencies of the case, the magnitude of the interests involved, and of economic considerations, both as to time and money, the best means to be devised and adopted to accomplish this great and desired end.

First, then, as to the character and extent of country to be developed and benefited and the magnitude of the diverse interests to be subserved by the opening up to free navigation of the Columbia River, and this irrespective of the still greater advantages in a national and international point of view in opening to free navigation and competitive transportation for so great a distance across the continent, a line for the passage of the internal commerce of the country, including transcontinental and trans-oceanic freight.

THE PACIFIC NORTHWEST, INCLUDING THE BASIN OF THE COLUMBIA AND INLAND EMPIRE.

The area drained by the Columbia River, we are told by the report of the Chief of Engineers, is estimated at 245,000 square miles—an area he correctly states larger than all the New England and Middle States, with Maryland, Virginia, and West Virginia thrown in—all these States combined having an area of but 244,260 square miles. The area drained by the Columbia River and its tributaries is twice as large as Great Britain and Ireland, more than twice the size of Italy, half as large again as Spain, and many thousand square miles greater than either France, Germany, or Austria-Hungary, and greater than all the islands of the seas combined.

Snake River alone, a tributary of the Columbia, flowing into it over 300 miles from the sea, drains an area of nearly 105,000 square miles, and its valleys are among the most fertile and productive on earth; while the Upper Columbia, above the junction with the Snake, drains an area of 97,155 square miles, and the main stream of the Columbia, below the Snake junction, 43,200 square miles. The engineer in charge of the works of the Columbia, in speaking of this vast area, uses the following language:

It has been demonstrated that nearly the whole of this great plain is a magnificent grain-producing country, as the statistics submitted herewith will show. Furthermore, the soil is not only fertile, but of extraordinary endurance. In the Willamette Valley the fields that have been continually cropped with wheat for twenty years are now yielding from 30 to 35 bushels per acre of winter wheat.

When it is considered that, in addition to its grain-producing capacity, this region has ample resources in precious metals, coal, iron, and most of the various products that go to make up that interweaving of a great variety of industries which always insures the development of wealth and prosperity, it becomes evident that the mountain gorge that commands the whole trade of such a country is worthy of considerable

attention from Congress. The development of this region will add so rapidly to the material wealth of the nation, and add so largely to its revenues, it is thought, that every dollar expended will come back many fold into the public Treasury.

The obstructions to navigation through this gorge occur at The Dalles and at the Cascades. At the latter place the works for improvement are approaching completion.

But coming to speak more properly of what is known as the Columbia River Basin or inland empire, as separate and apart and distinguished from the still larger area drained by the waters of the Columbia and its tributaries—we refer to that area of most remarkably fertile and marvelously productive country located between the Cascade range of mountains on the west and the Cœur d'Alene and Bitter Root Mountains on the east, with the Blue Mountains to the south and the Colville Mountains to the north—we find an area, the very large proportion of which is magnificent arable land, of over 25,000 square miles in extent, or about 25,000,000 acres, all susceptible of a high degree of cultivation. And the products, present and prospective, of this great area must find their way to the seaboard along the waters of the Columbia River. At least must this be so until the completion of the Northern Pacific Railroad across the Cascade Mountains to Puget Sound, or the completion of the Oregon Pacific, connecting the Columbia Basin with the Pacific Ocean at Yaquina Bay. But even when this is done, in order that combinations between the two or three or more railroad companies—the Northern Pacific, the Oregon Railway and Navigation Company, the Oregon Pacific, and Oregon Short Line or Union Pacific—for the purpose of maintaining freight rates at high figures and controlling the transportation of that country may be rendered impossible, it becomes a matter of the first importance to the people of the inland empire that the waters of the Columbia River and its tributaries should be freed from obstructions from their mouths to their source at the earliest possible date and opened to free navigation. This done, and the power of any one railroad company or any two or more corporations to dictate freight charges to the producer of that country will be forever at an end. The great importance of these improvements and the value of free navigation on the Columbia and its tributaries will be emphasized when it is stated that by these we have a total inland navigation for vessels of various classes for a distance of about 1,686 miles, as follows:

By the main Columbia River 1,032 miles, 752 miles of which are within the United States; Pend d'Oreille River, 180 miles; Clear Water, 40 miles; Kootenay, 100 miles; Willamette, 172 miles; and Snake River, 162 miles. And while at present much less than one-tenth of the cultivable soil of this great inland empire is under cultivation, and while the population of the basin of the Columbia does not exceed at present more than two human souls to the square mile, or only about one-ninth of the average population to the square mile in the United States, the product of this area for the year 1885 in the matter of cereals alone (wheat, oats, and barley, but principally wheat) amounts to about 14,000,000 bushels, the ground producing on an average over 30 bushels per acre of winter wheat, and from 20 to 25 bushels per acre of spring wheat, or considerably more than double the average product per acre of the United States or the world, while in some instances even on tracts of considerable magnitude the yield has been from 50 to 60 and even 75 bushels per acre and even more, and your committee are credibly informed as much as 100 bushels have been raised in more than one instance on choice spots under exceptionably favorable circumstances. It is estimated that the area generally referred to as the Columbia

Basin or inland empire is capable of producing, when properly cultivated, over 100,000.000 bushels of wheat per annum.

But to the magnitude of the area of this fertile field, and the prolific character of its productions, the vastness of its undeveloped resources, must be added the fact of the extraordinary endurance of its soil. It is of that peculiar character and depth of formation as to cause it to retain through an indefinite number of years, although subjected to constant annual drains from successive crops of the same character, that *vis vitæ* essential to continued healthful and prolific production. The soil averages from 12 inches to forty, fifty, sixty, and even hundreds of feet in depth; and by actual experiment soil taken from a depth of 40 feet and placed on the surface and exposed to the climatic action of the sun and atmosphere has produced an abundant crop of wheat. Fertilizing the soil of this region by artificial means is as unheard of in the Great Basin of the Columbia as it is unnecessary and useless; and this is true of irrigation as to the greater portion of it. Giving the field over to rest, clover, and lime, or other fertilizing influences every two or three years, as is the custom in the East, finds no recognition in the life and practice of the farmer in the wheat-producing empire of the Columbia. The great fact to be impressed and the lesson sought to be imparted by these statements may receive proper support and emphasis by a quotation from an interesting report made some three years since on the character and resources of the Great Plain of the Columbia by Lieutenant (now Captain) Symons of the United States Engineer Corps. We quote from his report. He says:

> Over nearly the whole of this Great Plain of the Columbia there is now spread a rich and fertile soil, varying in depth from a few inches to hundreds of feet. This soil has been the product of the grinding action of the ice and drift of the Glacial epoch, by the water-wearing of the Champlain epoch, and from the disintegration of the rocks during the last and present existing Terrace epoch, by the action of summer's rain and heat, winter's frost and cold, and the chemical decomposition arising from exposure to the atmosphere.

Maj. William A. Jones, Corps of Engineers, United States Army, now in charge of improvements on the Columbia River, in his recent interesting and able report (Senate Ex. Doc. No. 114, Forty-ninth Congress, first session), after reciting the above from Lieutenant Symons's report, says:

> Since the date of this report it has been demonstrated that nearly the whole of this great plain is a magnificent grain-producing country, as the statistics submitted herewith will show. Furthermore, the soil is not only fertile, but of extraordinary endurance. In the Willamette Valley fields that have been continually cropped with wheat for twenty years are now yielding from 30 to 35 bushels per acre of winter wheat.
>
> When it is considered that in addition to its grain-producing capacity, this region has ample resources in precious metals, coal, iron, and most of the various products that go to make up that interweaving of the great variety of industries which always insures the development of wealth and prosperity, it becomes evident that the mountain gorge that commands the whole trade of such a country is worthy of considerable attention from Congress. The development of this region will add so rapidly to the material wealth of the nation, and add so largely to its revenues, that every dollar expended will come back many fold into the public Treasury.

While General Nimmo, late Chief of the Bureau of Statistics, Treasury Department, in discussing this subject in his annual report of May 6, 1885, on the internal commerce of the United States, on page —, says:

> Several years ago the soil of this region was subjected to chemical analysis and it was found to be possessed of properties which have rendered the soil of the island of Sicily susceptible to wheat culture for more than two thousand years.

But the immense wealth of this grand area is not limited by any means to the production of cereals. It is unsurpassed in the matter of stock production, and in the products of beef and wool; and butter and

other dairy products, and fruits, to say nothing of its stores of mineral wealth, of coal and the precious metals, which are rapidly swelling the volume of exports that must find their way to the seaboard. The rapid increase of sheep-raising and wool-production in the State of Oregon in the last few years has been marvelous. Eleven years ago, on January 1, 1875, the total number of sheep in the State of Oregon was but 634,400, while on the 1st of January, 1885, ten years afterward, they numbered 2,519,950, or an increase in one decade of nearly 400 per cent., while in the same period oxen and other cattle and milch cows had increased from 205,000 to 620,565. These are the estimates contained in the annual reports of the Department of Agriculture.

While the wheat product of Oregon twenty-five years ago did not exceed 900,000 bushels, in 1884 it had, notwithstanding all the disadvantages of high rates of transportation, high wages, and other obstructions and embarrassments incident to the frontier State, reached the marvelous amount of 15,462,000 bushels, or an increase in that time of over 1,500 per cent.

Bearing upon the question of the extent and fertility of the region in what is known as the great valley of the Columbia, the following is quoted from the very elaborate and able report of Lieut. (now Capt.) T. W. Symons, Corps of Engineers, of April 3, 1882 (Senate Ex. Doc. No. 186, first session Forty-seventh Congress, pp. 113, 114, 115):

In order to show the extraordinary fertility of this region of the Columbia River I give below the statistics from the United States Census Office of the average yield per acre of the cereals grown in 1879 in the State of Oregon, and Territories of Washington, Idaho, and Montana, comprising those regions drained largely by the Columbia River and its tributaries. Montana is included in this region for the reason that, while most of the Territory is drained by the Missouri, a large proportion of the cultivated land is on the headwater streams of the Columbia in the Missoula Basin.

*Cereals of the United States; average yield per crop of* 1879.

| States. | Barley. | Buckwheat. | Indian corn. | Oats. | Rye. | Wheat. |
|---|---|---|---|---|---|---|
| Oregon | 31 | 17 | 22 | 29 | 16 | 17 |
| Washington | 39 | 24 | 19 | 41 | 14 | 24 |
| Idaho | 33 | ..... | 29 | 35 | 12 | 24 |
| Montana | 30 | 13 | 29 | 36 | 29 | 27 |
| Average for whole region; mean for above | 33 | 18 | 25 | 35 | 18 | 22 |
| Average whole United States | 22 | 14 | 28 | 25 | 11 | 13 |

From this it is seen that the average yield of barley per acre in this Columbia country is 50 per cent. greater than the average yield in the whole United States, including this region; the average yield of buckwheat is 29 per cent. greater; the average yield of Indian corn is 11 per cent. less; the average yield of oats is 40 per cent. greater; of rye is 64 per cent. greater, and the average yield of the most important cereal of all, wheat, is 77 per cent. greater than the average of the United States.

I give below the average yield of the cereals per acre of the cereal crops of 1879 for the principal agricultural States of the Union and those whose averages are the largest:

| States. | Barley. | Buckwheat. | Indian corn. | Oats. | Rye. | Wheat. |
|---|---|---|---|---|---|---|
| Arkansas | 12 | 6 | 19 | 13 | 7 | 6 |
| California | 21 | 22 | 28 | 27 | 9 | 16 |
| Dakota | 17 | 8 | 22 | 28 | 10 | 11 |
| Illinois | 22 | 11 | 36 | 32 | 16 | 16 |
| Indiana | 23 | 10 | 31 | 25 | 12 | 18 |
| Iowa | 20 | 10 | 42 | 34 | 15 | 10 |
| Kansas | 13 | 10 | 31 | 19 | 12 | 9 |
| Kentucky | 24 | 10 | 24 | 11 | 7 | 10 |
| Massachusetts | 25 | 12 | 34 | 31 | 10 | 16 |
| Michigan | 22 | 12 | 35 | 34 | 13 | 19 |
| Minnesota | 26 | 11 | 34 | 38 | 16 | 11 |
| Missouri | 19 | 11 | 36 | 21 | 12 | 12 |
| Nebraska | 15 | 11 | 40 | 26 | 12 | 9 |
| New York | 22 | 15 | 33 | 30 | 11 | 16 |
| North Carolina | 11 | 8 | 12 | 8 | 5 | 5 |
| Ohio | 30 | 13 | 34 | 31 | 13 | 18 |
| Pennsylvania | 19 | 15 | 33 | 27 | 9 | 13 |
| Texas | 13 | 11 | 12 | 21 | 8 | 7 |
| Virginia | 17 | 8 | 16 | 9 | 7 | 9 |
| Wisconsin | 25 | 9 | 34 | 34 | 14 | 13 |

The statistics regarding the production of Irish potatoes in the States and Territories where they are principally raised is given in the following table:

| States. | Acres. | Bushels. | Yield per acre. |
|---|---|---|---|
| Washington | 6,823 | 1,035,177 | 152 |
| Oregon | 11,106 | 1,359,930 | 122 |
| California | 55,471 | 4,556,565 | 82 |
| Connecticut | 32,375 | 2,584,262 | 80 |
| Illinois | 151,126 | 10,365,707 | 69 |
| Indiana | 91,985 | 6,232,246 | 68 |
| Iowa | 121,358 | 9,962,537 | 82 |
| Maine | 71,416 | 7,999,625 | 112 |
| Massachusetts | 32,660 | 3,070,389 | 94 |
| Michigan | 134,274 | 10,923,060 | 81 |
| Minnesota | 51,419 | 5,184,676 | 101 |
| Nebraska | 28,347 | 2,150,873 | 76 |
| New Hampshire | 29,659 | 3,358,828 | 113 |
| New Jersey | 41,683 | 3,563,793 | 85 |
| New York | 349,903 | 33,612,313 | 96 |
| Ohio | 173,321 | 12,719,215 | 73 |
| Pennsylvania | 185,429 | 16,284,819 | 88 |
| Rhode Island | 5,988 | 606,793 | 101 |
| Vermont | 38,855 | 4,438,172 | 114 |
| Wisconsin | 99,266 | 8,509,161 | 86 |
| Dakota | 6,960 | 664,086 | 95 |

These statistics are only given to show the great fertility of the soil in this country drained by the Columbia, its adaptability to support a large population engaged in agricultural pursuits, and the enormous crops which its immense acreage must yield as soon as a population sufficient for their cultivation is attained and means of transportation provided. This country is far away from the seat of Government and is very little known, but it is bound soon to force itself on the attention of the country as one of the grandest portions of our domain, unexcelled by any in the productions of the earth, in the beauty, extent, and yield of its waters, in its mountains clothed with splendid forests and enfolding mines of the useful and precious metals, and in its climate.

In consequence of its great and sure promise our legislators should look upon it with liberal eyes and grant abundant aid to all desirable works of public improvement which may be undertaken to facilitate transportation, sure of a prompt and rich return in the increased prosperity and loyalty of the people.

From the interior water-ways, the Columbia and Snake Rivers, should be removed, as far as practicable, all the rocky fetters which prevent and hinder full and free navigation. Commerce will require it, the people will demand it, and it must be done sooner or later.

But in discussing the question of the improvement of the navigation of the Columbia River at its mouth and throughout its length and with all its mighty tributaries, we must not fail to remember the varied interests and productions and the vast undeveloped resources of the whole State and of the adjacent Territories, the rapid and complete development of which depends so largely on a free river. In addition to the 15,000,000 bushels of wheat produced in Oregon in 1885, of the value of nearly $10,000,000, she produced 5,798,000 bushels of oats during the same season, of the value of $2,145,260; 164,000 bushels of corn, 1,239,084 bushels of barley, 22,260 bushels of rye, and 9,128 bushels of buckwheat. Her wool crop, which in 1870 was but 2,000,000 pounds, and in 1874 but 4,000,000 pounds, had increased in 1884 to 12,000,000 pounds, and in 1885 to more than 15,000,000 pounds. The value of the clip in 1884 was $2,400,000, at an average market price of 20 cents per pound; while its value in 1885 was over $3,000,000. While the wheat exports from Oregon in 1870 were only 115,747 bushels, of the value of but $119,139, they had risen in 1884 to 5,384,315 bushels, of the value of $5,396,430.

### PORTLAND'S COMMERCE.

Aid may be derived in obtaining some adequate conception of the great importance and rapidly growing commerce of the Pacific Northwest by a reference to the trade of Portland, Oreg., the chief commercial city of that great region. The wholesale business of Portland increased in 1886 20 per cent. over that of 1885, and reached the sum of $50,400,000; and it is estimated by her leading merchants that it will increase in 1887 at least 30 per cent. over that of 1886, or over $30,000,000 more than in 1884. In 1884 it was $35,000,000; in 1885, $42,000,000; in 1886, $50,400,000; and the estimate for 1887 is at least $65,520,000. Equally rapid also has been the increase in trade and commerce of the cities of Astoria, near the mouth of the Columbia, and The Dalles, 200 miles from its mouth, as the records of the commercial representative bodies and Government and other reliable statistics will abundantly show; while struggling in honorable and by no means unsuccessful competition for the trade of this empire, and reaching out also across the broad waters of Puget Sound, the Straits of Juan de Fuca, and the Pacific Ocean for the commerce of the world, is the rapidly expanding city of Tacoma, at the Sound terminus of the Northern Pacific Railroad on Puget Sound, and her energetic rival, Seattle, still further down the Sound.

### THE SALMON FISHERIES OF THE COLUMBIA RIVER.

These were established twenty years ago, in 1866. In that year the product was 4,000 cases, which at the then cash price of $16 a case made a total value of $64,000. Ten years later, in 1876, the catch was 450,000 cases, or an increase in that decade of nearly 11.250 per cent., and then worth $4.50 per case, and of a total value of $2,025,000. Seven years later, in 1883, the product had increased to 630,000 cases, of the value of $5 per case, making a total value for that year's catch of $3,150,000.

That we may comprehend better the magnitude of this great industry, it must be remembered that the average weight of each case, including the cans, is about 72 pounds, as the ordinary size can holds 1 pound net of prepared fish, there being forty-eight cans in each case. So the catch of 1883, taking that year for an illustration, was about 22,680

tons of prepared salmon, or enough to load two hundred and twenty-six trains of cars of ten cars each, each car containing 10 tons of salmon, or twenty-three ship cargoes of 1,000 tons each.

In this industry over 40 canneries are in operation, over $2,000,000 of permanent capital is invested, 1,548 boats, including 10 or 12 steam-tenders, are employed, and employment is given during each month of the fishing season to several thousand men, the number of men employed in 1886 being 7,596; of these 4,200 were white persons and 3,396 Chinese.

The above relates only to the catch by gill-nets alone on the Columbia River, while about one-third more, it is estimated, are taken by seines, traps, and wheels. The number of fish caught by gill-nets alone in 1886 was 1,315,800.

The following taken from an article recently published in the Daily Astorian, at Astoria, Oreg., will give information as to the amount of money expended annually in carrying on this important industry, in purchasing material, and in payment of labor:

The importance of the salmon industry to Astoria, Clatsop County, and the Lower Columbia generally, is tersely illustrated by the following figures, being a close estimate of the amount of money expended for the season of 1886:

*Cost of material.*

| | |
|---|---|
| Tin plate, 74,000 boxes, at $5.25 | $388,500 |
| Salmon twine | 205,200 |
| Cotton twine | 25,000 |
| Lines | 26,600 |
| Lead for lines | 7,500 |
| Floats | 4,000 |
| Boats, wear and tear, paint, repair, &c | 38,000 |
| Tan-bark for nets | 1,900 |
| Pig-tin for making solder | 50,122 |
| Lead for making solder | 10,450 |
| Salt, Liverpool and coarse | 2,000 |
| Lacquer | 8,550 |
| Turpentine | 6,460 |
| Cordwood | 19,760 |
| Hard coal | 1,862 |
| Charcoal | 15,200 |
| Acid and zinc | 4,000 |
| Oils of various kinds | 4,000 |
| Improvements and necessary repairs | 38,000 |
| Copper and making up | 2,000 |
| Insurance | 32,376 |
| Hauling | 12,540 |
| Freight | 5,000 |
| Labels | 32,400 |
| Boxes | 67,500 |
| Taxes | 11,400 |
| Total | 1,020,320 |

*Cost of labor.*

| | |
|---|---|
| Knitting nets, 228,000 fathoms at 22½ cents | 128,250 |
| Catching salmon with cannery nets | 400,000 |
| Catching salmon with private nets | 300,000 |
| Salvage and hire of detectives | 5,700 |
| White labor outside of fishing | 93,956 |
| Other labor outside of fishing | 142,000 |
| Total | 1,069,906 |

PAID TO UNCLE SAM.

| | |
|---|---|
| Duty on 74,000 boxes tin plate, 7,992,000 pounds, at 1¼ cents | $99,900 |
| Duty on amount of salmon twine | 20,520 |
| Total | 120,429 |

Here we have an aggregate of annual disbursements to the amount of $2,210,646. Including every detail of the work it is a safe estimate to say that the Lower Columbia salmon canneries expend annually $2,500,000, the greatest part of which goes into circulation in this immediate vicinity.

WHAT ARE THE OBSTRUCTIONS TO NAVIGATION IN THE COLUMBIA RIVER TO BE OVERCOME, AND IN WHAT MANNER, AND TO WHAT EXTENT DO THESE OBSTRUCTIONS MAKE IT POSSIBLE FOR ONE CORPORATION TO ABSOLUTELY CONTROL THE TRANSPORTATION OF THE INLAND EMPIRE AND OPPRESS THE PEOPLE?

Your committee, in the investigation of this subject, have become profoundly impressed with the pressing necessity and great importance, in the interest of the producers and shippers and general commerce of the Pacific Northwest, for some speedy, energetic, and effectual effort upon the part of the General Government in providing some wise and suitable means of surmounting the obstructions to navigation on and along the waters of the Columbia River, and especially at the point known as The Dalles of the Columbia.

The obstructions here, commencing near the eastern boundary of the city of The Dalles, 200 miles from the mouth of the Columbia, and extending with more or less irregularity and massiveness for a distance of about 13 miles up the river, are of the most formidable and stupendous character. Here nature has with unmerciful and unsparing hand for this distance placed an absolute embargo on the navigation of the waters of this the second river on the continent. Here this great waterway, which with but a single other obstruction of any magnitude, that at The Cascades, where a canal and locks are well under way of construction, drains an empire possessed of those natural elements that unite in producing wealth, invincibility, and power, when vitalized by proper development, is compressed between the rocky ribs, and stalwart sides, and uplifting foundations of gigantic mountains. Here the waters of this grand river, over 6 miles wide more than 10 miles from its mouth, and more than a mile wide at various points 100 miles above its mouth, with a mighty volume of water, deep and broad, navigable for steamboats of heavy tonnage, excepting for the short distance of these obstructions, from the sea inland a distance of 1,032 miles, with navigable tributaries coursing their way over 300 additional miles, are suddenly compressed in a manner almost beyond the comprehension of man, until for a distance of nearly a mile and a half the passage is, to use the language of Maj. W. A. Jones, United States engineer, "so narrow that the river is polarized, as it were, and set on edge." And while the width of the river varies at different points within this distance from as low as 125 feet to 140 and 150 feet, the average width for these 8,000 feet, or nearly 1½ miles, is only about 250 feet. Through this narrow chasm the mighty volume of this great river, whose discharge, according to the report of engineers, varies between 4,620,000 cubic feet per minute at low water to 15,420,000 cubic feet per minute at high water, is forced. When it is further remembered that the extreme difference between high and low water at the head of The Dalles is 87 feet, some proper conception of the character of obstructions to be overcome may be realized.

It will be very readily understood, and it has been made plain to your committee, that by reason of the obstructions to navigation at the Cas-

cades of the Columbia and The Dalles of the Columbia, as hereinbefore indicated, the Columbia River being the only real pass through which the productions of the Great Columbia Basin or inland empire can find their way to the seaboard, it has been made possible for one corporation engaged in the business of transportation to intrench itself as a powerful tax-gatherer and collector of tribute at these gates of commerce on this grand river, and thus absolutely control the navigation of the waters of the Columbia and its tributaries from their source to the sea, and dictate the terms of its commerce. Nor were business genius and capital slow to comprehend the commercial and strategic importance of these passes in the mountains, and obtain absolute and undisputed possession of this "key point," to use the descriptive language of the United States engineer in charge of the improvements of the Columbia River, "in the commercial strategy of the Pacific Northwest."

It has been made clear to your committee, furthermore, that for years, and from the earliest period of the establishment of civilization in the far West, a corporation, the Oregon Railway and Navigation Company, and its immediate predecessor, the Oregon Steam Navigation Company, have held undisputed sway over the waters of the Columbia and its tributaries, with no restraint or restriction whatever on their power, discretion, or disposition in the establishment of rates of transportation to which the producers and shippers are subjected, save and except one, the ability and willingness of the producer or shipper to respond to their demand. That this corporation has provided most important and valuable facilities for transportation both by boats and rail at a great expenditure of money is admitted by all; that this money, however, has in the main come from the producers of that region is equally true; that their facilities, notwithstanding their substantial nature, are insufficient to move in proper season the products of the inland empire, failing in 1884 to the extent of 35,000 tons, is admitted by all; that their freight rates, moreover, now and for years past have been such as to amount to a sum annually far beyond any reasonable, fair, or just, or even an extravagant interest on every dollar expended after meeting every proper charge and keeping their transportation lines in good condition, is a fact open to absolute and positive demonstration by indisputable evidence. That the people of an empire located on the banks of one of the grandest rivers of the world should in the matter of transportation of their products and supplies be held subject to the will of one corporation is contrary to every principle of fair play, justice, and right that should find countenance, respect, or toleration among intelligent and civilized men.

That the waters of any one river on God's green earth, much less one so grandly magnificent in volume, length, and every other respect as the Columbia, endowed with all those elements of greatness and grandeur and moral and physical power that constitute and characterize the greatest of the great internal water-ways of the world, should be dominated and controlled by any one man or any set of men, or corporation, or company, is a standing reproach to the people or nation that tolerates or permits it, and all this must be said and is said without casting any personal reflection upon the men engaged in the business of transportation along this great river, or who compose the stockholders and managers of this corporation, and who have been so fortunate as to obtain control at an early day of this most important key to the commerce of the Pacific Northwest.

To change this order of things, and to more nearly equalize the rights, interests, and profits of the producer, consumer, shipper, and trans-

porter in the great valley of the Columbia, to open up the waters of this great river to honorable competition, healthy commerce, and business rivalry in the matter of transportation, and of free and untrammeled navigation, are great purposes to which the Congress may not only constitutionally, and with entire propriety, but in the proper discharge of a most important and pressing duty give its earnest consideration.

### THE EXORBITANT NATURE OF TRANSPORTATION TARIFFS ON THE PRODUCTS OF THE COLUMBIA BASIN.

In order that the Senate may have some proper conception of the enormous freight charges on the Columbia River and on the line of the railroad coursing the banks of that river and operated by the Oregon Railway and Navigation Company and the Northern Pacific Railroad Company, attention is attracted to the rates on a few of the distances on these lines, and they are not very short hauls, and compare them for a moment with transportation charges on other lines in different sections of the country. For instance, from Wallula Junction, Wash., to Portland, in the State of Oregon, a distance of 214 miles, a charge of $6 per ton for wheat is exacted. This is at the rate of 18 cents per bushel for this distance, or at the rate of nearly 3 cents per ton per mile.

Again, from Portland to Alkali, or Arlington as it is now called, on the Columbia River, in Gilliam County, Oregon, a distance of 142 miles, a charge of 65 cents per 100 pounds on first-class freight is imposed, being at the rate of $13 per ton for that distance, or about 9⅛ cents per ton per mile; while from Portland to Castle Rock, on the same line, a distance of 162 miles, or about 20 miles farther than to Arlington, the same class of freight on the same line is charged 90 cents per 100 pounds, or at the rate of $18 per ton for this distance, or at the rate of 11⅛ cents per ton per mile; or, in other words, for the additional distance of 20 miles between Arlington and Castle Rock an additional charge of $5 per ton is exacted for first-class freight, or at the rate for this distance of 25 cents per ton per mile.

Again, from Dalles City to Portland, Oreg., a distance of 88 miles, a charge of 12 cents per bushel is made for transporting wheat, being at the rate of $4 per ton for this distance, or at the rate of 4½ cents per ton per mile.

It will be observed there have been here selected for illustrations the rates between Portland, Oreg., and four several, separate, and distinct points located on and along the Columbia River, east of the Cascade range of mountains, in the basin of the Columbia River; that is to say, Dalles City, 88 miles east from Portland; Alkali (or Arlington), 142 miles east from Portland; Castle Rock, 162 miles east from Portland, and Wallula Junction, Wash., 214 miles east from Portland. From these instances a fair knowledge may be obtained of freight charges generally on the lines of rail and steamers connecting the head of ship navigation at Portland, Oreg., with the Great Columbia Basin, or what is commonly known and called in that section the great inland empire.

But still further let us inquire into the position in which the farmers in the Walla Walla and portions of Eastern Washington and Oregon are placed who might desire to ship their grain to Minneapolis and the East. While the Oregon Railway and Navigation Company will take their wheat, barley, and oats to Portland over their line, a distance of say 250 miles, at $6 per ton, they will charge them if they wish to ship to Minneapolis, via Wallula and the Northern Pacific Railroad, $2.40

per ton for the 30 miles from Walla Walla to Wallula, or at the rate of 7¾ cents per bushel, or at the rate of 8 cents per ton per mile.

Can, your committee inquire, such enormous transportation charges or such unreasonable and unjust discriminations be found to exist in any other part of the United States? Compare these even with the freight charges in the State of California, of which we have heard so much complaint in regard to alleged exorbitant exactions, and what do we find? Take the matter of the transportation of freight, for instance, from the valley of the Sacramento to San Francisco. The distance from Marysville, Cal., to San Francisco is, via Benicia, 142 miles, or precisely the same distance it is from Portland, Oreg., to Alkali or Arlington, or via Stockton and Niles, 192 miles, and via Stockton and Port Costa, 203 miles. The principal portion of the freight (cereals) goes via Benicia, as it is much the shorter route. The rate has been generally heretofore (we are not advised as to the present time) from Marysville via Benicia, a distance of 142 miles, $2.90 per ton, or equivalent to about 2 cents per ton per mile, while via Stockton it is about $3.30 per ton, or about 1⅔ cents per ton per mile.

While it is true these seem somewhat extravagant charges, and are such compared with rates in most parts of the United States by rail or water, yet they are less than one-half on an average those to which the producers of the Columbia River are subjected. But taking a longer haul we find the average charge by rail from San Francisco to New Orleans, a distance of about 2,500 miles, $10 per ton, or only about 4 mills, or forty hundredths of a cent per ton per mile, or only about the one twenty-eighth part per ton per mile charged for freights between Portland and Castle Rock on the Columbia River. The cost of transporting grain from San Francisco to Liverpool via New Orleans in 1884 was $12 per ton, a distance of over 6,000 miles, while the producers of the Columbia Basin are compelled to pay half that amount per ton for transporting their wheat a distance of about 200 miles.

The Northern Pacific Railroad Company transports wheat from Wallula Junction to Duluth, a distance of 1,674 miles, for $8 per ton, but little less than 5 mills per ton per mile, while from Wallula Junction to Portland, Oreg., a distance of 214 miles over the same line of road, a charge of 3 cents per ton per mile, or a rate six times greater per ton per mile, is exacted by the Oregon Railway and Navigation Company, and also by the Northern Pacific Railroad Company, running its trains over the same line. From Duluth to Liverpool via Montreal wheat was in 1884 transported at $5.61 per ton, and from Portland by way of Cape Horn to Liverpool, a distance of nearly 17,000 miles, at $8 per ton, while a much greater sum than the former and a fraction less than the latter is charged for a distance of 200 miles in and along the valley of the Columbia.

A comparison of these various transportation charges demonstrates beyond the power of controversy the exorbitant nature of the transportation charges imposed to-day by the Oregon Railway and Navigation Company and the Northern Pacific Railroad Company upon the producers and shippers interested in transportation to and from the great valley of the Columbia. It is not to be wondered at that the earnings of the Oregon Railway and Navigation Company were for the year ending June 30, 1884, $5,364,906.52, derived chiefly from local traffic, or that their earnings since then have been still greater.

But a few more comparisons will illustrate in a marked degree the extravagant freight charges that rule to-day in the valley of the Co-

lumbia. The average freight charges per bushel for the transportation of wheat from Chicago to New York, a distance of 963 miles, by all water—that is by the lakes, the Erie Canal, and the Hudson River; by part water and part rail—that is by lake to Buffalo and by rail to New York; and by all rail during the years 1876 to 1883, inclusive, were, on an average, as follows, and they are much less now: By all water, 10 cents per bushel; by lakes and rail, 12.4 cents, and by all rail, 17.1 cents. Making no allowance for difference between a long and a short haul, the charges on and along the Columbia River are on an average of from five to eight times higher per bushel than from Chicago to New York. At the rates ruling along the Columbia River on hauls of two to three hundred miles it would cost from 85 to 90 cents a bushel to transport a bushel of wheat from Chicago to New York, or at the rate of from $28.33⅓ to $30 per ton.

But coming down later, we find the present transportation rates ruling on transportation lines between Chicago and New York as follows:

By all-water, 6 cents a bushel for wheat, or at the rate of $2 per ton for a distance of 963 miles, or at the rate of $2\frac{1}{12}$ mills per ton per mile, or, making no allowance for difference in length of hauls, a rate of over *fourteen* times less per ton per mile or per bushel per mile than is charged on wheat from the Columbia Basin to Portland, Oreg., while by all-rail the present cost (1886) of transporting wheat from Chicago to New York, 963 miles, is 15 cents a bushel, or $5 per ton for that distance, or at the rate of $5\frac{1}{6}$ mills per ton per mile, or, making no allowance for difference in length of hauls, a rate less than one-sixth of that charged in the Columbia River Valley per bushel per mile.

And this illustration shows, moreover, the superiority of a water route over a railroad for the transportation of wheat and other produce of the country, as it will be seen from this that to-day it costs only *two-fifths* as much to transport a bushel of wheat from Chicago to New York by all-water as it does by all-rail.

### SOME OF THE FEARFUL DISCRIMINATIONS PRACTICED ON THE PRODUCERS AND SHIPPERS IN THE VALLEY OF THE COLUMBIA.

But the fearfully unjust and paralyzing discriminations in transportation charges on and along the Columbia River may be further illustrated by a comparison of the rates on through traffic to and from Eastern cities each way, and terminal points on the waters of the Columbia, with such rates on through traffic to and from such Eastern cities and non-competitive shipping points on and along the Columbia River in Eastern Oregon and Washington Territory, such as Dalles City, Arlington, Castle Rock, Umatilla, Pendleton, La Grande, Union, and Baker City in Oregon, and Wallula, Walla Walla, and other points in Washington Territory.

The following letter serves to present the facts, and serves as a most conclusive illustration of the unjustifiable and oppressive character of these discriminations against the producers and shippers of the inland empire:

THE DALLES, OREG., *December* 29, 1886.

SIR: On behalf of the Board of Trade of Dalles City we desire to call your attention to the situation of the merchants of this city and other cities in Eastern Oregon and Washington on the line of the Oregon Railway and Navigation Company's Railway respecting freight rates to and from eastern points.

The schedule of rates to these way points upon all classes of freights from the East is made up by adding to the through rate to Portland the local rate back from Portland to the way point. This additional local back charge is an arbitrary charge, and is in no way connected with the through rate.

For example: A car-load of merchandise to any of these way points from Chicago is delivered at the way point without going through to Portland, and the freight charges thereon consist of the full through rate to Portland plus the local rate on merchandise from Portland to the way point. In the case of our own city this local rate from Portland is, on the average, from 70 per cent. to 80 per cent. of what is charged for hauling the same merchandise from Chicago to Portland. The distance from Portland to this city is 88 miles. The local rate from Portland to this point, on the average, is 45 cents per 100 pounds. The through rate from Chicago to Portland on the same class of freight is 65 cents per 100 pounds, making the actual charge from Chicago to this point $1.10 per 100 pounds; and yet we are 88 miles nearer Chicago than is Portland, and are on the direct line between those two points.

In the case of merchants east of us the situation is worse. Thus at Arlington, a point 141 miles east of Portland, the local back rate is, on the average, 70 cents per 100 pounds; that is, 5 cents more than the through rate from Chicago to Portland; making the actual charge to that point from Chicago $1.35 per 100 pounds. In the case of Walla Walla, Wash., Baker City and Huntington, Oreg., the local back rate is double the through rate to Portland. Yet the actual haul in each of the cases referred to falls considerably short of the haul for which is paid the through rate alone. Concerning this through rate no complaint is made, and merchants at the way points are entirely willing to pay the same rates as are charged for the haul to Portland. But the arbitrary local back-rate charge is deemed a most unjust and burdensome exaction, falling little short of systematic robbery.

In like manner merchants at these way points are compelled to pay on shipments to Chicago, in addition to the through rate from Portland to Chicago, the local rate from the way point to Portland. Thus the railway company exact from dealers at these way points on all shipments to and from all eastern points a charge equal to what they would be entitled to charge if they were compelled to haul the freight first to Portland. But no such necessity exists, and for this excessive arbitrary charge no service whatever is rendered.

If the bill now pending before Congress known as the inter-State commerce bill gives us relief from this unjust and burdensome discrimination, we would respectively request you to co-operate with our other Representatives in Congress in securing its passage. If not, we earnestly hope you will endeavor to procure such other legislation as will relieve us.

We call the attention of Hons. J. N. Dolph and Binger Herman to the same matter by similar communications.

Yours, very respectfully,

E. B. McFARLAND,
A. S. MacALLISTER,
B. S. HUNTINGTON,
*Committee for Board of Trade of Dalles City, Oreg.*

Hon. J. H. MITCHELL,
*United States Senator, Washington, D. C.*

THE PEOPLE'S INTERESTS LIE IN THE DIRECTION OF CAPACIOUS HARBORS AND FREE RIVERS.

It is clearly evident the producers, shippers, and consumers of this country, if they would guard their own interests and protect themselves against the rapacity of formidable combinations of aggregated capital, must look to the improvement of the great natural water-ways of the country and the construction of artificial ship and steamboat canals and ship and boat railways for relief from exorbitant transportation charges.

A free water-way to the boats of all comers is of itself not only the cheapest and best means, although not quite so rapid as by rail, for the transportation of heavy freight, but is also an absolute check upon the grasping tendencies of railway corporations.

It has been demonstrated beyond all question by the history of the past and by the practices of the present that railways cannot and do not compete in the carrying of heavy freight with free and untrammeled water-ways, natural or artificial. Take for illustration the New York Central, with all the grand facilities it affords with a four-track railroad, and compare it and its transportation business with the parallel line of

water transportation composed in parts of the Erie Canal and Hudson River, and what do we find, even before the tolls were taken off the canal?

According to the report of the New York State engineer, the average actual cost of transporting freight (wheat) on the New York Central is fifty-four hundredths of a cent per ton per mile, not counting anything for interest on capital invested, and the average charge on that road is eighty-eight hundredths of a cent per ton per mile; whereas the transportation charges on wheat from Buffalo to New York via the Erie Canal and Hudson River is but twenty-one hundredths of a cent per ton per mile, or thirty-three hundredths of a cent per ton per mile less than it costs the New York Central to transport it; and this according to the report of the State engineer appointed under the railway laws of the State of New York; and hence we find the railway charges eighty-eight hundredths of a cent per ton per mile, or sixty-seven hundredths of a cent per ton per mile more than is charged on the water-transportation route. And were the Erie Canal and Hudson River wiped out of existence to-day, how long, in the judgment of any reasonable man, would the present transportation rates on the New York Central remain as low as they are? The conceded profit of to-day of thirty-four hundredths of a cent per ton per mile would in all probability be increased to five times that amount, or perhaps much more, especially as the parallel line to Buffalo of the West Shore road is now controlled by the New York Central.

But, as it is now, the canal and river, as might be reasonably expected, do the great bulk of the business, and the people get the benefit of the competition.

The statistics show that during the past year the Erie Canal was the conduit through which 37,500,000 bushels of wheat were delivered at the port of New York, while the sum total that came through the almost countless railroad lines that center there, including the four-track New York Central, was only about 28,000,000 bushels, or 4,750,000 bushels less than one-half of the whole amount, while the total amount of tonnage (in bushels) of flour, corn-meal, wheat, corn, oats, barley, peas, and malt which arrived in New York from the 1st day of January, 1883, to the 31st day of December, 1883, was 124,336,237 bushels, and was delivered at that port by the following routes:

| | Bushels. |
|---|---|
| New York Central and Hudson River Railroad | 32,125,615 |
| New York, Lake Erie and Western Railroad | 28,765,288 |
| Pennsylvania Central Railroad | 13,060,494 |
| Delaware, Lackawanna and Western Railroad | 4,581,770 |
| Various routes | 856,924 |
| By river and coast | 3,725,238 |
| By canal (seven months) | 41,220,908 |
| | 124,336,237 |

Of the entire amount of grain thus received at the port of New York during the year it will be observed that—

| | Per cent. |
|---|---|
| The New York Central Railroad carried | 25.84 |
| The Erie Railway carried | 23.13 |
| The Pennsylvania Central Railroad carried | 10.50 |
| The Delaware, Lackawanna and Western Railroad carried | 3.69 |
| Various small routes carried | 0.69 |
| River and coast | 3.00 |
| The Erie Canal in seven months carried | 33.15 |

Numerous other instances might be cited to the same effect did time justify. For instance, the railroad commissioners of the State of Illinois the past year fixed the maximum rates on wheat in car-load lots for 130 miles 7.21 cents per bushel, while the charges for the same distance for wheat from Henry to Chicago by the Illinois and Michigan Canal, including the State tolls, is but 3 cents per bushel, or 1.21 cents per bushel less than one-half the charge by rail.

In our recent history we have a monumental and most commendable example of the manner in which internal and external commerce may be promoted by the improvement of important lines of water-ways. Where did New Orleans stand even twelve years ago as a seaport and in respect of its relations to foreign commerce? Since the completion of the Eads jetties what has she in these respects become? In 1883, as shown by the statistics, she was the second port in the United States in the value of her exports (New York of course being first), and ranked third in total foreign commerce.

PLAN OF IMPROVEMENT PROPOSED BY COMMITTEE FOR OVERCOMING OBSTRUCTIONS AT THE DALLES OF THE COLUMBIA.

Your committee have carefully considered the various projects heretofore suggested by United States engineers in charge of surveys and other Government works on the Columbia River as a means of overcoming these obstructions at The Dalles, or, as more accurately and specifically stated in the reports of engineers, at "Celilo Falls, Ten-mile Rapids, The Dalles, and Three-mile Rapids."

The two principal plans heretofore proposed are:

First. By dodging these obstructions by a canal and a series of locks;

Second. By a boat railway in part, or, to be specific, by flanking The Dalles and Celilo Falls with railway inclines, over which laden boats and river craft may be hauled by means of stationary engines at the summits, and by blasting open the contracted water-ways at Ten and Three Mile Rapids to a width of 300 feet, so as to reduce the velocities to a navigable status.

In view of the enormous expense required to dodge these gigantic obstructions by means of a canal and locks, and the well-known disposition of the Congress to limit appropriations for river and harbor improvements to the lowest possible minimum, and the indisposition to concentrate such appropriations on a few specific works of manifest and unquestioned national importance, and the tendency to distribute the amounts annually appropriated among a great variety of works, thus giving but a small proportion of the whole to any one, however important, your committee are of the opinion that if it is desired to overcome these obstructions to navigation in any practical and effective manner, so as to be of any real benefit to the present or even the next generation, it would be unwise at present to enter on the construction of canal and locks, *provided always* that other means can be devised and put into *effectual operation* within some *reasonable* time, and at *much less expense*, so that speedy relief may be brought to the producers and shippers of the great Columbia Valley and of the North Pacific coast generally. *That this can be done by means of a boat railway around The Dalles and Celilo Falls and by widening the channels by blasting at* 10 *and* 3 *Mile Rapids to a width of* 300 *feet, so as to render the water navigable at these points, your committee, after careful investigation, have no kind of doubt.*

That some proper conception of the cost and time likely to be required, and hence the consequent great delay in bringing relief to the people,

to construct a canal and locks around these obstructions, your committee quote the following from the annual report of Maj. William A. Jones, Corps of Engineers, of date July 25, 1885:

Estimates have been made and submitted for building a canal to flank Celilo Falls with blasting operations for making the river good at 10-Mile Rapids, The Dalles, and at 3-Mile Rapids. This project is estimated to cost, in round numbers, $11,000,000. If we apply to this enormous sum the rate at which funds have been provided for the Cascades Canal, it will appear that over one hundred years would be required before navigation could be opened through these obstructions.

Your committee turn, therefore, reluctantly to the consideration of the alternative, a boat railway and widening of the channel as above indicated.

While this plan is somewhat out of the usual groove in which the more conservative and unprogressive portion of the United States Engineer Corps have been accustomed to operate, it is by no means impracticable or novel; nor are your committee left by any means to grope unintelligently in the dark as to its application and entire feasibility as a means of overcoming the obstructions at The Dalles of the Columbia; nor yet in reference to the matter of expense are we left to conjecture.

Various preliminary surveys have heretofore been made for proposed improvements at The Dalles. A survey at these obstructions, with plan and specifications for a canal and locks, was required by act of Congress of March 3, 1879, which reads as follows:

That the Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, and estimates of cost of improvements proper, to be made at the following points, namely:

* * * * * * *

The Columbia River at The Dalles in Oregon, including plan and specifications for locks and canal around said point.

* * * * * * *

This requirement of Congress was complied with between October, 1879, and January, 1880, by direction of Maj. G. L. Gillespie, Corps of Engineers, officer in charge, under the supervision of Capt. Charles F. Powell, Corps of Engineers. The latter, in his annual report to the Chief of Engineers of date May 30, 1882, and which includes his survey and estimates, refers to these different examinations, and says:

Subsequently and at various times additional surveys and examinations were made of special localities, to furnish results more detailed than those obtained by the main party, and also for studying the variable phases of the river during its widely different stages.

An excellent instrumental examination had been made in 1874, by Assistant Engineer R. A. Habersham, and under the orders of Maj. N. Michler, Corps of Engineers, a map on a scale of 1:7200 was plotted from this examination. * * * * * The obstacles to be overcome were briefly described in a report, and some plans were suggested.

* * * * * * * *

The examination paved the way for a detailed survey, and the map of the former furnished a good groundwork on which to arrange the latter.

One month preceding the commencement of the survey permanent water-gauges were established, and from that time read daily, as a rule, until June, 1881.

On these prior examinations, tests, surveys, &c., Captain Powell based his interesting and elaborate report of May 30, 1882, to the Chief of Engineers as to the character of the obstructions at The Dalles, and the means necessary to overcome them. In this report Captain Powell gives elaborate details concerning the character of these obstructions, including full river descriptions, width, depth, volume, and velocity of the water; character of the channel; fall of the water at high, mean, and low stages; extent and character of the country drained; its fertility and productiveness; importance of a free river, and full and com-

plete information upon all points from which plans and estimates of any character of importance can conveniently be made, and which report he concluded with an estimate of the cost of constructing a canal and locks at said points.

But not only so. Lieutenant (now Captain) T. W. Symons in his able and exhaustive report of date April 3, 1882, speaking of the navigable waters of the Upper Columbia River and its tributaries, strongly recommended boat railways as a suitable and proper means of overcoming the obstructions in that river, and made estimates of the cost. (See Senate Ex. Doc. No. 114, first session Forty-ninth Congress.)

But as conclusive upon the whole subject, as it seems to your committee, not only as to the *entire feasibility of the proposed boat railway*, or as to *that*, in view of all the circumstances, being the plan which in preference to all others should under existing circumstances be adopted by Congress, and this too without the delay necessary for further *preliminary* surveys and examinations, which your committee deem unnecessary and inexpedient in view of all the surveys, examinations, and estimates heretofore made, the very exhaustive and interesting report of Maj. W. A. Jones, Corps of Engineers, of date July 27, 1885, in which he recommends a boat railway in part, and the widening of the channel in part, as above indicated, and submits carefully prepared and elaborate plans and specifications and estimates for the same, is herewith submitted and made part of this report; this being a part of his annual report on river improvements in Oregon and Washington Territory for the fiscal year ending June 30, 1885. (See Senate Ex. Doc. No. 114, first session Forty-ninth Congress.)

REPORT OF MAJOR W. A. JONES, CORPS OF ENGINEERS, OF DATE JULY 27, 1885, MAKING SURVEY AND ESTIMATES AND SUBMITTING PLANS AND SPECIFICATIONS FOR A BOAT RAILWAY AT THE DALLES OF THE COLUMBIA.

THE DALLES.

For a distance of about 13 miles, commencing a little above the city of The Dalles, Oregon, the Columbia River is obstructed in a gigantic manner that is perfectly unique in the history of river improvements. The whole water-way is choked, apparently by an intrusion of lava, through which the river has with difficulty cut a passage. At one point, over a distance of 8,000 feet, the passage is so narrow that the river is polarized, as it were, and set on edge. The chasm has in places such widths as 125, 147, and 150 feet, and its average width is about 250 feet. Except at high-water stages, the whole volume of this great river, whose discharge varies between 77,000 cubic feet per second at low water and 257,000 cubic feet per second at high water approximately, is forced through this narrow, precipitous gorge. In order that it shall get through, the waters are dammed up at the head until the slope becomes such as to produce an enormous velocity. Throughout the whole distance of 13 miles the water-way of the river is very much contracted; at two places, Ten-Mile Rapids and Three-Mile Rapids, the minimum widths at low water are 210 feet and 190 feet, respectively. The serious obstructions to navigation over the whole reach occur in order commencing at Celilo at the head, at Celilo Falls, Ten-Mile Rapids, The Dalles, and Three-Mile Rapids. At Celilo Falls there is a considerable fall [illegible] water, which, however, becomes nearly obliterated at high water by t[illegible] dammed back by The Dalles. At this point a portage of 4,500 feet will [illegible] good water above the falls to the same below.

Thence down to Ten-Mile Rapids the river is suitable for navigation. [illegible] the channel can be widened sufficiently by removing about 270,000 cu[illegible] rock.

From thence to The Dalles the river again becomes suitable for navigatio[illegible] Dalles the river might be widened to 300 feet by the removal of about 700, [illegible] yards of rock. The portage here is about 9,000 feet between [illegible] ab[illegible] below.

At Three-Mile Rapids the channel can be sufficiently wid[illegible] from thence no further serious obstructions exist.

For a very thorough and accurate description, see Captain Powell's report of survey, published in Senate Ex. Doc. 184, Forty-seventh Congress, first session. The following data, taken from this report, are quite interesting:

| | | |
|---|---|---|
| Distance from Celilo (gauge No. 1) to The Dalles City (gauge No. 5) | miles | 13.6 |
| Total fall in water-surface: | | |
| At high water | feet | 56.5 |
| At low water | do | 81.0 |

It is interesting to note here the damming effect at high water of the Cascades, 45 miles below:

| | | |
|---|---|---|
| Distance between gauge 1 (Celilo) and gauge 2 (foot of Celilo Falls) | feet | 6,000.0 |
| Total fall in water-surface: | | |
| At high water | feet | 3.2 |
| At low water | do | 47.2 |
| Celilo Falls: | | |
| Fall at low water | feet | 20.0 |
| Fall at high water | do | 0.0 |
| Distance between gauge 2 (Celilo Falls) and gauge 3 (head of The Dalles), feet | | 32,000.0 |
| Total fall in water surface: | | |
| At high water | feet | 31.6 |
| At low water | do | 11.2 |
| At mean high water | do | 35.0 |
| Distance between gauge 4 (The Dalles Rapids) and gauge 5 (The Dalles City), feet | | 20,800.0 |
| Total fall in water surface: | | |
| At high water | feet | 14.7 |
| At low water | do | 1.3 |
| Differences between high and low water: | | |
| At Celilo | feet | 26.3 |
| Foot of Celilo Falls | do | 72.3 |
| Head of The Dalles | do | 87.0 |
| Foot of The Dalles | do | 66.6 |
| The Dalles City | do | 53.2 |

The magnitude of this great problem in engineering will appear when the foregoing is considered in the light of the fact that the great annual flood occurs with precision in June of each year, and the water-levels are constantly and rapidly changing.

### PROJECT FOR IMPROVEMENT.

The obvious mode of improving navigation here is to dodge these mighty obstacles by means of canals and locks; but when one considers the extensive excavations in solid basalt rock, and walls and gates of unprecedented heights that will be required to accommodate the extraordinary variations in the level of the water, the element of uncertainty combines with that of extraordinary cost and length of time required for construction, and demands a pause. Estimates have been made and submitted for building a canal to flank Celilo Falls, with blasting operations for making the river good at Ten-Mile Rapids, The Dalles, and at Three-Mile Rapids. This project is estimated to cost in round numbers $11,000,000. If we apply to this enormous sum the rate at which funds have been provided for the Cascades Canal, it will appear that over one hundred years would be required before navigation could be opened through these obstructions. Now, there is but little doubt in my mind that ultimately the solution of this problem will be by means of these operations, but I am very strongly impressed with the conviction that the day of their construction ought to be postponed until a system of making appropriations has been adopted which will permit of their construction within a reasonable length of time, and when the resources of the country will justify the expenditure. In the mean time, if the plan I shall now propose should prove to be a sufficient solution there will result a great saving to the public Treasury.

### BOAT RAILWAY.

I propose to flank The Dalles and Celilo Falls with railway inclines, over which laden boats and river craft may be hauled by means of stationary engines at the summits, and to blast open the contracted water-ways at Ten and Three Mile rapids to a width of 300 feet, which will be sufficient to reduce the velocities to a navigable status.

The proposition is not novel. It is a common thing to haul boats out of the water upon inclined railways, and the fact of their being laden will not materially affect the operation. Furthermore, its application at this same place has been advocated by engineers for many years. Lieut. T. W. Symons, Corps of Engineers, in 1881 recommended it, and makes estimates of cost in his published report upon the Columbia River. Furthermore, the development of steamboat construction for the swift waters of the Upper Columbia and Snake rivers has resulted in a boat with no keel and a perfectly flat bottom, but with good lines at stem and stern. This very much simplifies the question of a car for carrying the boats, as will be seen from the designs submitted herewith. Plans for Celilo Falls only are submitted, and on these the estimates for both The Dalles and Celilo are based. The maximum grade of the track is 213.84 feet per mile. The summit is passed by a gentle curve, quite within the limits of longitudinal flexure that will result from passing over the summit curve. The car is made up of cross-girders supported by longitudinal built beams, which in turn are carried by the wheel axles; the whole suitably braced, and having sufficient iron introduced to prevent floating when completely submerged. It will be handled by cables from the stationary engine at the summit. It will have twenty-one wheels on each side, with independent axles, forty-two in all, running on a two-rail track 25 feet 6 inches wide. The maximum load on a single wheel will be about 17 tons. Length and width over all, 190 feet and 48 feet respectively. For the present only a single line of track is proposed. . Should the traffic develop a necessity for it, another can be laid alongside. The following is a detailed estimate of cost, from which it appears that at an expense of a little more than one and a quarter million dollars, navigation can be opened through this obstruction at all stages of the river, except when it is closed by ice.

***Estimated amount required to improve the Columbia River at Celilo Falls by the construction of a boat-railway on the right bank of said river, Washington Territory.***

| Roadway. | Quantities. | Price. | Amount. |
|---|---|---|---|
| Excavation and embankment, viz: | | | |
| Hauled a distance of 900 feet ..... cubic yards.. | 22,000 | $1 50 | $33,000 |
| Hauled a distance of 4,000 feet ..... do.... | 29 000 | 2 30 | 66,700 |
| Hauled a distance of 75 feet ..... do ... | 19,000 | 1 40 | 27,000 |
| Concrete under rails, at $9 per cubic yard ..... do.... | 2,800 | 9 00 | 25,200 |
| Bridge 60 feet over all, cut stones in place, at $30 per cubic yard ..... cubic yards.. | 520 | 30 00 | 15,600 |
| Timber, under rails in place, per M ..... feet, B. M.. | 88,000 | 15 00 | 1,320 |
| Iron: | | | |
| Rails, and plates under rails, in place ..... pounds.. | 547,000 | 5½ | 30,112 |
| Spikes, bolts, fish-plates, &c ..... do ... | 15,800 | 6 | 948 |
| Data are insufficient* to determine the cost of guard-wall. Assumed probable cost ..... | ..... | ..... | 60,000 |
| Total ..... | ..... | ..... | 259,880 |
| Adding 10 per cent. for contingencies ..... | ..... | ..... | 25,988 |
| Engineering and superintendence ..... | ..... | ..... | 20,000 |
| Total cost (estimated) for roadway ..... | ..... | ..... | 305,868 |
| CAR. | | | |
| Cast-steel wheels, boxes, and angle-washers ..... pounds.. | 55,000 | ·10 | 5,500 |
| Bronzed journal-bearings ..... do.... | 6,700 | 30 | 2,010 |
| Rolled iron: | | | |
| Beams and large pieces ..... do.... | 125,450 | 5½ | 6,900 |
| Bolts and small pieces ..... do ... | 21,500 | 6 | 1,290 |
| Timber, large and small pieces, all in place, per M ... feet, B. M.. | 52,000 | 20 00 | 1,040 |
| Total ..... | ..... | ..... | 16,740 |
| Adding 10 per cent. for contingencies ..... | ..... | ..... | 1,674 |
| Profit of contractor ..... | ..... | ..... | 3,000 |
| Total estimate for car ..... | ..... | ..... | 21,414 |

*There is no record of heights of water in the vicinity of proposed bridge corresponding to heights at Gauge No. 1.

RECAPITULATION,

| | |
|---|---|
| Roadway ..... | $305,868 |
| Car ..... | 21,414 |
| Total ..... | $327,282 |

*Power required to carry a boat over the Celilo Falls.*

| | Tons |
|---|---|
| Total weight of car | 170 |
| Estimated weight of boat | 100 |
| Estimated weight of load | 500 |
| Total | 770 |

Or 1,724,800 pounds.

The weight has to be raised to the height of 80 feet, giving in foot-pounds 1,724,800 by 80 = 137,984,000 foot-pounds.

To develop 137,840,000 foot-pounds of energy requires an engine of the following power capacity, viz:

| Time allowed for development of full power. | Time required for the load to go from one to the other end of road. | Capacity required from the engine doing the haul. | Approximate cost of engine and boiler.* |
|---|---|---|---|
| *Minutes.* | *Minutes.* | *Horse-power.* | |
| 15 | 30 | 280 | $8,000 |
| 20 | 40 | 210 | 6,500 |
| 25 | 50 | 167 | 6,200 |
| 30 | 60 | 140 | 5,900 |
| 35 | 70 | 120 | 5,300 |
| 40 | 80 | 105 | 4,000 |

* The prices here are for engines of the simplest model complete with boiler.

REMARK.—The price of boiler is very nearly equal to the price of engines; thus if one change of boiler be desired the total price would be about 50 per cent. more than prices in this list.

*Gross estimate.*

| | |
|---|---|
| Roadway | $306,000 |
| Car | 25,000 |
| Engines, machinery, cable, &c., engine-house | 25,000 |
| Total for Celilo Falls, length 4,500 feet | 356,000 |
| Cost per running foot for roadway | 68 |
| The Dalles: | |
| 9,000 feet of roadway, at $68 | 612,000 |
| Car machinery, &c | 50,000 |
| Total for Dalles | 662,000 |
| Total for Dalles and Celilo Falls | 1,018,000 |
| River improvement: | |
| 355,000 cubic yards rock excavation, at $1 | 355,000 |
| Railways | 1,018,000 |
| Total | 1,373,000 |

THE TRAFFIC, PRESENT AND PROSPECTIVE, ON AND ALONG THE COLUMBIA RIVER, AND THE SAVING TO THE PEOPLE BY A FREE RIVER.

The wheat traffic alone along the Columbia River is over 600,000 tons per year. Taken with all other freight it is safe to estimate within the next two years a two-way traffic of over 1,000,000 tons of freight will pass along this river by boat and rail. This traffic is now subject to a freight tax of over 3 cents per ton per mile, which, on an average haul of 200 miles, is a tax on the producer and shipper of $6,000,000 annually, while on an average haul of 300 miles between Portland, Oreg., Eastern Oregon, Eastern Washington Territory, and Western Idaho the freight tax annually on the producers and shippers will be about $9,000,000.

With the completion of the canal and locks at the Cascades, and the completion of the proposed boat-railway and accompanying improvements at The Dalles, it is safe to predict that freight charges would be reduced at once at least to one-half of 1 per cent. per ton per mile. On an average haul, therefore, of about 200 miles, this would, on the estimate of the amount of freight as hereinbefore given, relieve the country, the producer, and shipper of a freight tax of $5,000,000 annually; but should the reduction in freight charges by these improvements prove not to be so great as above indicated, should the rates not go below 1 per cent. per ton per mile, it would still be extravagantly high compared with rates in States and Territories east of the Rocky Mountains. The saving to the people even in that case would be $4,000,000 annually on an average haul of 200 miles, or a saving of $6,000,000 annually on an average haul of 300 miles.

As we have seen, the estimated cost of the entire improvement proposed to overcome these obstructions of 13 miles at The Dalles is but $1,373,000, or less than one-fifth the amount of freight tax that will be saved to the people of Oregon and Washington Territory, to say nothing of other traffic, *in a single year*. Why the Oregon Railway and Navigation Company should protest in every conceivable manner, and in that manner most likely to be effective, against these improvements, is not, in view of the patent facts in the case, difficult of comprehension. Why, upon the other hand, the people of the inland empire should demand of their representatives and of the Congress the speedy opening of the Columbia River to free navigation and unfettered commerce is equally easy of comprehension. It is a demand in every sense reasonable and just, based on incontrovertible facts, and should in justice and equity and good conscience be met with a resolute, cheerful, speedy, and effective response.

### THE COMMITTEE'S RECOMMENDATION.

In the opinion of your committee, therefore, the interests of the people of the Pacific Northwest imperatively demand, *first*, the speedy completion of the works at the mouth of the Columbia, and the canal and locks at the Cascades of the Columbia River, and it is recommended that liberal annual appropriations be made therefor; and, *second*, that the work of constructing a boat railway around The Dalles and Celilo Falls of the Columbia River, and of blasting open the contracted water-ways at Ten and Three Mile Rapids to a width of 300 feet, so as to secure navigable water, should be entered upon without delay by the United States Government; and your committee therefore recommend that it be done without further *preliminary* survey or report, and that an appropriation of $500,000 be made at the present session of Congress for such purpose; provided a *final* survey and estimates, based on the general plan proposed by Maj. W. A. Jones in his report herein quoted, and covering the entire improvement as therein indicated, which final report, survey, and estimates should be directed at once, to be paid for out of this appropriation, be first made and submitted to the Secretary of War and approved by him. And your committee report back the following bill and recommend its passage:

A BILL making an appropriation for a final survey and estimates for and the commencement of the construction of a boat railway around the obstructions to navigation at The Dalles and Celilo Falls in the Columbia River.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, SEC. 1. That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of five hundred thou-

sand dollars, for the purpose of making final surveys and estimates for, and the commencement of the work of construction of a boat railway either in the State of Oregon or Washington Territory around the obstructions to navigation in the Columbia River at The Dalles and Celilo Falls; and for the purpose of blasting open the contracted water-ways at Ten and Three Mile Rapids, near said falls, to a navigable status for large river tonnage boats.

SEC. 2. The Secretary of War is hereby directed, at his earliest convenience after the passage of this act, to cause a *final* survey and estimates to be made of the plan and cost of a boat railway and the widening of the channel of such river at such points, in accordance as near as practicable with the general plan and suggestions for such improvements contained in the annual report of Major William A. Jones, Corps of Engineers, United States Army, of date July twenty-seventh, eighteen hundred and eighty-five, on river improvements in Oregon and Washington Territory, for the fiscal year ending June thirtieth, eighteen hundred and eighty-five; and upon the approval of such final survey, plan, and estimates, by the Secretary of War, he is hereby authorized and directed to proceed with the construction of such boat railway and the widening of such channels in accordance with such final survey and plan.

JOHN H. MITCHELL.
S. M. CULLOM.
T. W. PALMER.
A. P. WILLIAMS.
M. C. BUTLER.
WILKINSON CALL.
G. G. VEST.
R. L. GIBSON.

Your committee, after further and mature deliberation, adopt the foregoing as its present report, in connection with the following supplementary, supporting, and modifying suggestions.

The facts as stated in said report, in reference to the present productions of the region designated as the "Inland Empire, or Great Valley of the Columbia," and the oppressive freight rates on the transportation lines referred to, are true now as then and as therein stated, except as they are modified in the one case by largely augmented production and extended area of cultivation, and to some extent, in the other case, that having reference to burdensome freight rates, by virtue of the good effects of the practical operation in a certain respect and in a moderate measure of the workings of the interstate commerce act, entitled "An act to regulate commerce," and through which freight charges have been slightly reduced in part by the voluntary action of the Oregon Railway and Navigation Company, and in part by the orders of the Interstate Commerce Commission. But, notwithstanding these slight modifications in the situation, your committee find that the transportation rates throughout the great valley of the Columbia are still of a nature ruinously oppressive to the producer and shipper, unreasonable and indefensible on any ground; and the interests of the people so engaged, as well as the proper development of that vast and fertile region, call loudly and emphatically upon Congress for heroic measures looking to speedy relief; and the reasons for the recommendations of your committee, made one year ago in the following language, "that the interests of the people of the Pacific northwest imperatively demand, *first*, the speedy completion of the works at the mouth of the Columbia and the canal and locks at the Cascades of the Columbia, and that liberal appropriations be made therefor; and, *second*, that the work of constructing a boat-railway around the Dalles and Celilo Falls of the Columbia River, and of blasting open the contracted waterways at Ten and Three-mile Rapids to a width of 300 feet, so as to secure navigable

water, should be entered upon without delay by the United States Government," exist to-day in full force but with stronger emphasis the same as when the former report was made.

Your committee therefore respectfully report back the accompanying bill as a substitute for bill S. 566, and recommend its passage.

---

*A bill making an appropriation for a final survey and estimates for and the commencement of the construction of a boat railway around the obstructions to navigation at The Dalles and Celilo Falls in the Columbia River.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* SEC. 1. That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of five hundred thousand dollars, for the purpose of making final surveys and estimates for, and the commencement of the work of construction of a boat railway either in the State of Oregon or Washington Territory around the obstructions to navigation in the Columbia River at The Dalles and Celilo Falls; and for the purpose of blasting open the contracted water-ways at Ten and Three Mile Rapids, near said falls, to a navigable status for large river tonnage boats; or such other structure or structures for overcoming the obstructions to navigation at such points as may be recommended by the Board of Engineers hereinafter provided for.

SEC. 2. The Secretary of War is authorized and directed to appoint a board of three engineers from the United States Army whose duty it shall be to thoroughly examine the obstructions to navigation in the Columbia River at the Dalles and Celilo Falls, and at Three and Ten Mile Rapids, and to report to the Secretary of War, on or before the first Monday in December next, as to the feasibility and advisability of overcoming such obstructions by means of a boat-railway at the Dalles and Celilo Falls, and by widening, to a navigable status for large-tonnage river boats, the channel of said river at Three and Ten Mile Rapids, accompanied by careful and detailed plans, with estimates of the cost and a statement as to the usefulness of such improvements to navigation and of their relations and value to commerce; and said board shall also report, at the same time, as to any other plan or project for overcoming said obstructions at said points, whereby said obstructions to navigation may be removed, which in the judgment of said board may be deemed either more desirable than the above or worthy of consideration by the Secretary of War and Congress, and shall report detailed plans, with estimates of the cost of such proposed improvement or improvements, and as to their relations to commerce and usefulness to navigation; and said board shall report which of said projects is by it deemed most advisable. And the Secretary of War shall transmit said report to Congress at its next session, with his own views and those of the Chief of Engineers of the United States Army thereon; and the sum of fifteen thousand dollars, or so much thereof as may be necessary of the above amount may be used in defraying the cost of making said examination and survey and the expenses of said board.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 860.

# IN THE SENATE OF THE UNITED STATES.

APRIL 4, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 1533.]

*The Committee on Claims, to whom was referred the bill (S. 1533) for the relief of Robert C. Murphy, have considered the same, and report as follows:*

This claim has been favorably reported by the Committee on Claims of the House of Representatives at the Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Congresses, and also by the Committee on Claims of the Senate, at the second session of the Forty-eighth Congress.

All of the several reports concur in their finding of fact, and, in the judgment of your committee, after a careful examination of the papers, fairly and correctly give the grounds upon which the right of the claimant rests for relief.

Your committee has therefore adopted the report of Senator Cameron, of Wisconsin, made to the Senate at the second session of the Forty eighth Congress, which is as follows:

This claim has been before Congress many years, and has been reported upon favorably many times. The statement of the facts involved, in which all the reports upon the claim agree, is as follows:

"That said memorialist was appointed consul to the Empire of China, at the port of Shanghai, in July, 1853, and served as such consul until the 30th day of June, 1857, when he resigned. That one William Knapp, jr., was vice-consul up to the time of the memorialist's resignation.

"That in the final adjustment of said memorialist's accounts at the Treasury Department he was held accountable for the informalities in the accounts of his vice-consul; that is to say, he was charged with $9~0.85, the amount adjudged due to the United States from the said William Knapp, jr., United States vice-consul.

"That subsequently the United States Treasury allowed a part of the vice-consul's account, and paid the same, $490.17, to your memorialist, leaving a balance of $490.68 paid by your memorialist for said vice-consul.

"That the said vice-consul was accepted as such by the Department of State, and was, therefore, in the absence of the consul, the chief officer of that port, and his acts could only be controlled by the Department, the consul, with the Department's knowledge, being in the United States. And the Department had the power to stop payment of the vice-consul's drafts, and thus protect the United States; but instead of so doing, they paid his drafts and charged the payments to said claimant"

The committee think that, in justice and equity, the memorialist ought to be paid the amount claimed by him, and they therefore report back the said bill, and recommend that it do pass.

C

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 861.

# IN THE SENATE OF THE UNITED STATES.

APRIL 4, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 7856.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Emma R. Johnson, have examined the same, and report:*

This bill passed the House on the 30th of March. The House report is adopted, and is as follows:

Mary E. Carpenter, formerly widow of William Johnson, late private of Company E, Seventh Regiment Wisconsin Volunteers, applied for pension November 28, 1879, alleging that Johnson's death from apoplexy, June 7, 1879, was due to an injury received by the concussion of a shell near Spottsylvania, Va., about May 10, 1864, and chronic diarrhea contr acted in service.

The legal examiner, doubting the connection between the alleged injury and the fatal disease, the former having been shown by parol evidence only, submitted the case to the acting medical referee, Dr. Graham, who, under date of November 1, 1881, rendered the following opinion:

"If it can be shown that this man received concussion of the brain, or any injury to the brain, by the bursting of a shell while in the service, I believe then that it may be admitted that the apoplexy of which he died was a result of it."

The case was subsequently placed in the hands of special examiners and thoroughly examined as to its merits. That soldier was injured at the time and place and under the circumstances alleged is shown by the testimony of eye-witnesses to the injury. It is further shown by the reports of the several special examiners who had charge of the case at different times that ever after the injury soldier was suffering from spells of dizziness and weakness of spine. This condition was aggravated by chronic diarrhea, from which soldier suffered during, since, and at date of discharge, as shown by the records of the Surgeon-General.

Dr. Duley testifies that he formed the soldier's acquaintance soon after he came out of the service and knew him intimately until a few months of his death. His physical condition was frail; was suffering from prostration of the nervous system; complained of pains in head and palpitation of the heart.

Dr. Russell testifies that he found soldier in a comatose state just before his death; that he died of apoplexy, which, in his opinion, was caused by the concussion or the albuminous state of the urine.

Special Examiner Barrett, in his second report on the case, says:

"After handling this claim a second time, I am inclined to view it more favorably than I did at first. I think it is established that claimant's husband was physically sound when he enlisted, and that from discharge to death he suffered from symptoms of the disease which killed him. The evidence also seems to establish the fact that he suffered from a shell concussion in the Army."

The case was finally returned to the Pension Bureau with the recommendation for its admission, in accordance with the opinion of the acting medical referee heretofore referred to. But upon submission to the present medical referee the claim was rejected on the ground that soldier's fatal disease, apoplexy, was not a result of shell concussion or any other cause incident to his Army service.

Your committee are inclined, however, to believe that the fatal disease is chargeable to the soldier's military service, and that some relief should be granted to such of his pensionable heirs as under the present circumstances would be entitled under the general laws should the Pension Bureau concede origin in the service. The widow having remarried, and all but one child having passed the pensionable age, the bill under consideration must be returned to the House without further consideration, but in lieu thereof the committee begs leave to submit a substitute in behalf of the yet pensionable minor.

The bill is reported favorably with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 862.

# IN THE SENATE OF THE UNITED STATES.

APRIL 4, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 818.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Sarah E. Pribble, have examined the same, and report:*

This bill passed the House on the 30th of March. The House report is as follows, and is adopted:

Charles M. Pribble enlisted on the 26th day of August, 1862, as a private in Company B, Eleventh Regiment Maine Volunteers, and served until August 14, 1864, when he was disabled at the battle of Deep Bottom, Virginia, by a severe gunshot wound in the foot. He applied for and received a pension, which continued until date of death, November 7, 1882. The claimant under this bill applied for widow's pension, but it was refused on the ground that death of soldier was not due to the disability for which he was pensioned, the cause of death being given as liver and stomach trouble.

The soldier's soundness at enlistment is unquestioned, and the fact that when he returned from the Army he was suffering from fever and ague is well established, although he did not ask pension for that disability. On this point Dr. John J. Jones, of Carmel, Me., testifies that immediately upon the soldier's return from the Army he was called upon to treat him for fever and ague, and that he continued to treat him from time to time for that disease, which was continuous upon him until the time of his death, during which time his liver and stomach were affected by reason of the fever and ague.

Dr. I. W. Tibbetts, of Stetson, Me., testifies as follows:

"I treated soldier for gunshot wound, and also for fever and ague and disease of the kidneys, contracted in the Army. The fever and ague was more or less continuous from the time I commenced to treat him, causing liver and stomach trouble, which was the immediate cause of his death, although I have no doubt the gunshot wound tended to produce the extremely emaciated condition and perhaps to affect the kidneys. These conditions I have no doubt were contracted in the Army, and I know that they have been continuous and finally resulted in his death."

The medical evidence shows conclusively that this man's death was due to a debilitated condition of the system, resulting from a gunshot wound, for which he was pensioned, and from fever and ague contracted in the service, but for which he had not asked pension.

The fact that he was treated for fever and ague immediately upon his return from the service proves that the disease was contracted in the Army, and his widow should not be deprived of her rights because he did not allege that disability.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 863.

# IN THE SENATE OF THE UNITED STATES.

APRIL 4, 1888.—Ordered to be printed.

Mr. BOWEN, from the Committee on Post-Offices and Post-Roads, submitted the following

## REPORT:

[To accompany bill S. 686.]

*The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 686) for the relief of B. F. Rockefellow, have had the same under consideration, and make the following report:*

That the claimant, B. F. Rockefellow, was postmaster at Cañon City, Colo., during the years 1877 and 1878, and a portion of the year 1879. At the time of his appointment the office was small and unimportant. On February 24, 1877, it was made a separating office, and a sum of $150 was allowed as clerk hire, commencing on the 1st day of January, 1877. The business of the office increased rapidly, and Mr. Rockefellow was compelled to employ additional clerical assistance. The discovery of the wonderful rich mines of silver at Leadville, Silver Cliff, and other points in Colorado, occasioned a great increase of mail at the Cañon City post-office, as all the mail that went to Silver Cliff and Rosita, as well as much of the Leadville mail, was separated at the Cañon City office. The Leadville mail left Cañon City between 11 and 12 o'clock at night; the Rosita and Silver Cliff, towards morning; and the large amount received and discharged for other places made it necessary for the post-office to be kept open most of the time night and day. The salary of the postmaster was $100 per month, with the addition of $150 for clerk hire; out of this the postmaster was compelled to pay his rent and employ his clerks.

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|---|---|
| For the quarter ending June 30, 1878, the postmaster paid in excess of what he was allowed | $87.50 |
| For quarter ending September 30, 1878 | 112.50 |
| For quarter ending December 31, 1878 | 156.83 |
| For the quarter ending March 31, 1879 | 257.28 |
| Making a total excess of | 614.11 |

These accounts were all transmitted to the Post-Office Department, with proper vouchers, but not allowed for want of available funds, as it was alleged.

| | |
|---|---|
| For gross receipts of the office for the fiscal year ending June 30, 1878 were | $2,205.90 |
| For the fiscal year ending June 30, 1879, were | 6,698.42 |
| Total during 1878 and 1879 | 8,874.32 |

This leaves a net sum of $7,174.32 for the two years. The amount of labor imposed on the postmaster may be seen from the receipts of the office; but in addition to the duties of postmaster for a large and rapidly growing town, he was compelled to distribute large mails for other points, which did not swell the receipts of the office, but did require great labor. The following newspaper items, cut from a Cañon City paper of about the 1st of April, 1879, will in part explain the amount of work performed at that office:

Sunday morning's mail for Leadville and upper Arkansas points contained nineteen bags and pouches of mail, not less than 1,500 pounds in weight, being 10,000 letters. Our own mail was immense, and Silver Cliff, Rosita, and Ula a full express-wagon load. It was midnight before the mails were distributed and made up for the west. We thought printers did more work for nothing than other mortals, but under the present reign of "economy" we will except postmasters, and shall crow over Postmaster Rockefellow while we have a chance, and, like everybody else, pitch into him for not keeping the office open all hours of day and night, not giving us a large room with magnificent office furniture and equipments to correspond with the increased importance our town demands. To be sure he is paying every dollar of his $100 per month salary for clerk hire, $40 per month for one assistant and $60 per month to the other, and getting the $12.50 for himself. He and they are continually overworked to get the mails off—which must go—and perform the other duties of the office.

It should be added to the above that the surplus money over and above the amount paid out on money orders, remitted weekly from this office, amounts to from $1,500 to $2,000, and there are thirty to sixty-five registered packages daily in transit. When complained to, the Post-Office Department replies that, "owing to the limited appropriations allowed by Congress, no changes looking to the enlargement of the mail facilities of Cañon City and other places similarly situated can be made." Congress should make a tour in a body to Colorado this summer and learn something.

In March Mr. Rockefellow, after various efforts to secure an increased allowance for clerk hire, received the following from the Post-Office Department:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
*Washington, D. C., March 22, 1879.*

SIR: In reply to your letter of the 14th instant, referred to this office and recommended by Senator Teller, I have to say that, owing to the limited appropriation for clerical services in post-offices, it is deemed inadvisable at present to grant any additional allowance for clerical assistance in your office. Your application has been placed upon the files of the Department, and will be further considered as soon as funds will warrant it.

Very respectfully,

JAMES H. MARR,
*For First Assistant Postmaster-General.*

POSTMASTER, *Cañon City, Fremont County, Colo.*

He soon after sent in his resignation, feeling that he could not afford to work night and day and pay his entire salary to his clerks. After the 1st of April, 1879, the Department ordered an additional amount of $750 for clerk hire, making the total amount allowed for clerk hire $900.

During the time Mr. Rockefellow was paying his salary out for clerk hire, he gave his entire time to the business of the office. He applied, through the Senators from Colorado, for an increased allowance for clerk hire; the Senators endeavored to secure such allowance, but were always met with the same statement, that the Department had not the money that could be used in that way. The whole case is presented in the affidavit of Mr. Rockefellow, except as to efforts made by the Senators at Washington for his relief, which affidavit is as follows:

STATE OF COLORADO, *County of Fremont, ss:*

B. F. Rockefellow, postmaster at Cañon City, Colo., for about ten years ending May 15, 1879, being duly sworn, deposeth and says, that he paid for clerical services in the

Cañon City, Colo., post-office, which was absolutely necessary to properly separate and forward the mails, as follows:

| | |
|---|---|
| April 1 to June 30, 1878 | $125.00 |
| July 1 to September 30, 1878 | 150.00 |
| October to December 31, 1878 | 194.33 |
| January 1 to March 31, 1879 | 284.78 |
| | 754.11 |

and that vouchers for amounts so paid accompanied the several quarterly returns to the Post-Office Department; that the Department only allowed for the year $150, leaving a deficiency as above of $614.11. That Cañon City during that time was center of great influx of population, owing to the Grand Cañon war and railroad building. That it was the terminus of the Denver and Rio Grande Railway for that time, and head of daily stage lines to Leadville and other western points, as also stage lines to Silver Cliff, Rosita, and several other points. That the separating business of this post-office increased so rapidly that towards the last he was obliged to pay the full salary of the office for clerical service, which fact he represented to the Post-Office Department, and received reply that the allowance could not be raised owing to lack of appropriations necessary to meet the expenditure. That he was unable to longer carry on the office at such a loss, being obliged, besides, to work most of the time eighteen to twenty-two hours daily in the post-office to get the mails off in time, and that he was forced to resign in consequence, and that immediately afterwards, and based upon the business done in said post-office by him, the salary of the office was raised from $1,200 to $1,800 per year, and clerk-hire allowance from $150 to $900 per annum; and said deponent, from his intimate acquaintance with mail service in Colorado, verily believes that his office was obliged to perform more distributing service for the period mentioned than any other post-office in the State, except Denver, and that the payment of the deficiency of $614.11 aforementioned is justly due him and unpaid. Further deponent saith not.

B. F. ROCKEFELLOW,
*Late Postmaster, Cañon City, Colo.*

Sworn and subscribed to before John Wilson, clerk of district court, this 29th day of December, A. D. 1880.

JNO. WILSON, *Clerk.*

The postmaster was compelled to pay the rent of the building used for the post-office, as no allowance was made by the Department for that purpose; and as rent is high in Colorado, the rent and clerk hire very nearly consumed the salary of the postmaster.

The case is an exceptional one. The rapid increase of business is shown by the receipts of the office for 1878 and 1879. The claimant had given bond for the faithful discharge of his duties as postmaster; the interests of the people and the Government demanded the services rendered, and no good reason can be given why the money advanced for the purpose of paying the employés for labor absolutely indispensable ought not to be refunded. Congress has made appropriations for money paid out by land officials without authority of law whenever it has appeared such payments were necessary and have been beneficial to the Government. In this case the Government was the gainer, having made a large sum of money out of the office, and the claimant worked for a nominal sum, and then paid out nearly every dollar he received for rent and other expenses. Therefore your committee think that the claimant is entitled to receive the money he paid out for clerk hire, and not allowed, and therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 864.

# IN THE SENATE OF THE UNITED STATES.

APRIL 4, 1888.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill H. R. 7319.]

*The Committee on Claims, to whom was referred the bill (H. R. 7319) for the relief of Emory R. Seward, having had the same under consideration, respectfully submit the following report:*

It is made to appear to your committee by the records of the Engineer Corps that the contract out of which this claim grew was entered into June 30, 1881, with Col. John Newton, Colonel of Engineers, one item of which contract was that the said Emory R. Seward should blast and remove rock in the designated channel at the entrance to New Rochelle Harbor, New York, to the depth of 8 feet for a width of 100 feet. The original contract provided for the completion of the work contracted for on or before the 31st day of December, 1881. It was extended, however, by the War Department to April 1, 1882.

For this latter portion of the contract, the contractor was to receive, when completed according to the specification, the sum of $9,000, payment to be made when the work was completed and accepted. This part of the contract was not fully complied with by the contractor. The reason for the failure to complete the contract may be stated in the following communication from the contractor, addressed to General J. C. Duane, Chief of Engineers. This communication is without date. It is herewith inserted as a part of this report:

ALBANY, N. Y.

DEAR SIR: In asking for a final settlement of my contract with the Government for deepening the channel at New Rochelle, Conn., permit me to make a brief statement of my claim and the circumstances which so long delayed my receiving compensation for the work done by me.

You will observe that the work provided for the payment of $9,000 for removing rock over a given space so as to make a depth of 8 feet for the total sum of $9,000, and did not, therefore, require the constant attendance of the engineer in charge. When I had, as I supposed, completed the contract, I so notified the engineer, Lieutenant Derby. He was just then very busy with some important work at Flood Rock (Hell Gate), which he could not leave to examine this work. I left my divers, tools, sloops, for eight days, waiting for engineers to make the requisite examination, when they moved without my knowledge, taking their tools and machinery to Boston. Sometime after this the engineer examined the work and reported, as I now understand, that the rock was, in a very few places, 6 inches above bottom.

Some two months previous to the supposed completion a question arose as to the setting of the tide-gauge, and General Newton ordered it examined, when it was found that it had settled four-tenths of a foot, owing to heavy blasting near by, and I had orders to make that allowance. I was under the impression when informed of the result of the engineer's examination that the engineers making the report must have made a mistake, as they were not the same ones that tested the tide-gauge. In the meantime I had been called to another part of the country to look after Import

tant work and neglected this question, having been told that it was substantially completed, but whatever was found would be deducted. I also learned that General Newton did not deem it essential for the Government, because there was but six-foot draughts on either side of this work.

This fact you will find verified by General Houston's letter to you on the subject, under date of April 20, 1887. Now, sir, you have all of the facts and data for testing my statement. I have to ask that you will cause an official examination of all of the facts connected with my contract, and take such action as will secure to me payment for work which I have done in good faith, and for which I have never received any compensation whatever.

Very respectfully,

EMORY B. SEWARD.

General J. C. DUANE,
*Chief of Engineers.*

It seems after the work had been abandoned by the contractor, under the impression, as it would seem, that it had been completed to the satisfaction of the engineer in charge, John Newton, colonel of Engineers, addressed the following communication, dated June 12, 1883, to the Chief of Engineers, U. S. Army:

UNITED STATES ENGINEER OFFICE,
*New York, June* 12, 1883.

SIR: I have to state for the information of the Department that Emory R. Seward, contractor for removing a rock at the entrance to the channel around Glen Island, New Rochelle Harbor, has failed to obtain the depth of water required by the contract, although sufficient time has been given him to complete the work; and as the channel is of no value to navigation until this rock is removed, I respectfully request authority to finish the removal of the rock by hired labor with the appliances suitable for this class of work belonging to this department, charging the cost of the work against any future settlement with the contractor.

The contract with Mr. Seward was made July 30, 1881, and was extended from December 31, 1881, to April 1, 1882.

I would also request authority to remove Corning Rock, in New Rochelle Harbor, by means of the steam drilling scow and hired labor, as I think it can be done much cheaper by this process than by contract.

Very respectfully, your obedient servant,

JOHN NEWTON,
*Colonel of Engineers.*

To the CHIEF OF ENGINEERS, U. S. A.

[First indorsement.]

OFFICE CHIEF OF ENGINEERS, U. S. ARMY,
*June* 15, 1883.

Respectfully submitted to the honorable the Secretary of War:

The contract with Mr. E. R. Seward (copy herewith), dated July 30, 1881, provided for the completion of the work contracted for on or before the 31st day of December, 1881. It was extended to April 1, 1882, and the work is still incomplete. It has, therefore, expired by limitation and being incomplete, the money or reserved percentage due or to become due to the contractor is forfeited to the United States.

Colonel Newton recommends that he be authorized to complete the work contemplated by the contract by means of hired labor and the use of suitable appliances belonging to the United States, charging the cost of the work against any future settlement that may be made with the contractor.

The river and harbor acts of March 3, 1881, and of August 2, 1882, provide that "It shall be the duty of the Secretary of War to apply the money herein appropriated for improvements, other than surveys and estimates, in carrying on the various works, as far as can be without actual detriment to the interests of the Government by contract. Where such works can not be done by contract without injury to the public interest, they may be prosecuted by hired labor."

In the case here presented, the United States owning the necessary appliances for carrying on the work, it would manifestly be to its interest to carry on the work by hired labor, and it is recommended accordingly.

For the same reason the United States owning the requisite plant for removing Corning Rock in New Rochelle Harbor, it is recommended that Colonel Newton be authorized to proceed with its removal by hired labor and the use of the Government plant.

In regard to the question of charging the cost of the work for completing the contract of Mr. Seward to the contractor, it is suggested that when its cost is finally determined and the excess, if any, over the contract price can be definitely ascertained, it may be brought up for consideration.

JOHN G. PARKE,
*Acting Chief of Engineers.*

[Second indorsement.]

The recommendations of the Acting Chief of Engineers are approved.
By order of the Secretary of War.

JOHN TWEEDALE,
*Chief Clerk.*

WAR DEPARTMENT, *June* 19, 1883.

Colonel Newton's request to complete the contract was granted, and loose rock left by the contractor was removed, costing the sum of $200.21. An estimate has been made of the cost of removing the balance of the rock to complete the contract, viz, $625.

The following communication from General J. C. Duane, Brigadier-General, Chief of Engineers, addressed to Hon. J. J. Belden, United States House of Representatives, Washington, D. C., dated February 14, 1888, explains itself:

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
*Washington, D. C., February* 14, 1888.

SIR: Referring to your letter of January —, 1888, received at this office February 1, 1888, relative to the application of Emory R. Seward, of Albany, N. Y., for payment for work executed at New Rochelle, N. Y., I have the honor to inclose herewith a copy of report from Lieut. Col. D. C. Houston, Corps of Engineers, in reference thereto.

It is understood that, the contract being incomplete, no payment can be authorized by this office; but under the circumstances certain payments can justly be granted by Congress. Had the contract been completed, $9,000 would have been paid. The removal of loose rock left by the contractor cost the sum of $200.21, and the estimated cost of removing the balance of the rock at the contract price is $625; and therefore in an equitable settlement the total sum of $825.21 should be deducted from the $9,000, the total amount of the contract, leaving the sum of $8,174.79 as the amount which could be properly allowed.

Very respectfully, your obedient servant,

J. C. DUANE,
*Brigadier-General, Chief of Engineers.*

Hon. J. J. BELDEN, M. C.,
*U. S. House of Representatives, Washington, D. C.*

The report of Lieut. Col. D. C. Houston, Corps of Engineers, referred to in the foregoing communication of General Duane, Chief of Engineers, is as follows:

ENGINEER OFFICE, U. S. ARMY,
*New York, February* 7, 1888.

SIR: I have the honor to submit the following report on the accompanying letter of Hon. J. J. Belden in reference to the harbor at New Rochelle, New York:

I made a report on this matter dated April 20, 1887, of which I inclose a copy. This report, made from the records, states that after the removal of 10.6 cubic yards of loose rock, at a cost of $200.21, by the Government, there was a depth of 7½ feet on the rock at mean low water, the depth required being 8 feet, with a width of 100 feet. Lieutenant Derby, in his report dated July 1, 1884 (Report of the Chief of Engineers for 1884, page 711), states that—

"During the progress of the work on Corning Rock I was directed to complete the removal of the rock at the outlet of the channel around Glen Island to the depth of 8 feet specified in the contract with Emory R. Seward. On examination I found that solid rock projected over considerable areas above that plane, and that drilling and blasting would be required to remove it. On reporting that fact, and also that a channel 100 feet wide and 7½ feet deep at mean low water, could be made over the rock by simply picking up the loose stones left by the contractor, I was directed to take the latter course. The small scow was placed over the rock, and 10.6 cubic yards of

broken rock were removed by the divers, producing the desired result. This work cost $200.21."

A letter in reply from the Chief of Engineers, dated April 23, 1887, states that "the contract with Mr. Seward and its extension having expired, and the work being incomplete, no settlement involving any payment of money to Mr. Seward can be entertained."

A survey made subsequently, with a view to completing the work to a depth of 8 feet on this and other rocks, shows that over the rock worked on by Mr. Seward there was a channel 85 feet wide, 7.9 feet deep, with the exception of three soundings of 7.8 feet. Near the edge of the channel of 100 feet which he was required to make, there are the following soundings less than 8 feet, viz: 6.3, 6.8, 7, 7.2, 7.7. The soundings were carefully taken at an average of less than 5 feet apart. *Under these circumstances it was not considered necessary to do any work on this rock, as the depth and width were deemed sufficient for all purposes of navigation.*

I think, therefore, that Mr. Seward is entitled to a settlement, by deducting from the sum of $9,000, which he was to have received on the completion of his contract, the amount which the Government has expended in removing loo e rock, viz, $200.21, and the amount which it would cost to remove the few points projecting above the 8-foot plane below mean low water. This latter amount is now difficult to estimate.

The average estimated cost of removing the rock at the contract price is about $25 per yard. As near as can be calculated it would be necessary to remove 25 cubic yards to obtain a channel 100 feet wide and 8 feet deep. With the plant on the ground, this work could probably be completed for $625. To organize a working force, take the plant to and from the work, and other expenses, would cost about twice as much.

The proper amount to be deducted could best be arrived at by agreement between the United States and the contractor, and I think a settlement on this basis should be authorized by the proper authority.

There is now available $10,740.33, which it has been proposed to use in completing the project for New Rochelle Harbor; a part of it could be applied to a settlement with Mr. Seward.

Very respectfully, your obedient servant,

D. C. HOUSTON,
*Lieut. Col. of Engineers.*

The CHIEF OF ENGINEERS,
*U. S. Army, Washington, D. C.*

Since this bill has reached the Senate committee, it has been referred to General Duane for report, and the following is his reply:

OFFICE OF THE CHIEF OF ENGINEERS, U. S. ARMY,
*Washington, D. C., March 23, 1888.*

SIR: I have the honor to acknowledge the receipt of your letter of March 18, 1888, in reference to claim of Mr. Emory R. Seward of $8,174.79 for work done under contract with the United States for removing rock at the entrance of New Rochelle Harbor, N. Y., and to submit the following reply:

The contract was entered into June 30, 1881, with Colonel John Newton, Corps of Engineers, one item of which contract was that the said Seward should remove rock in the designated channel to the depth of 8 feet for the gross sum of $9,000. The money for this work was appropriated by the river and harbor act of March 3, 1881, and the contract was made in accordance with the requirements of that act, found near the end of the first section. A copy of the contract is herewith, and copies of all the correspondence on the files of this office which will furnish the information desired by the committee.

Very respectfully, your obedient servant,

J. C. DUANE,
*Brig. Gen., Chief of Engineers.*

Hon. JOHN H. MITCHELL,
*U. S. Senate, Washington, D. C.*

It would seem to your committee, from the papers and records in this case, that there has been a considerable amount of negligence upon the part not only of the contractor, but of the engineers in charge. That a large amount of work was done by the contractor, however, can not be denied, and for which he has received no pay. Your committee are inclined to the opinion that the contractor, acting in good faith, was under the impression that the contract had been completed to the sat-

isfaction of the engineer in charge, and hence his plant was removed. Subsequently, however, it transpired that this was not the case.

In view of all the circumstances, your committee are of the opinion that the contractor should be paid the contract price of $9,000, less $200.21, the cost of work done by the Government since the abandonment of the contract, and less also such amount as it may actually cost the Government to fully complete the contract according to the specifications, *or* so as to meet the necessitias of commerce at such point, the general plan of the work heretofore ordered being considered.

Your committee, therefore, submit the following amendment to the House bill, and with such amendment recommend its passage.

Amend by adding to House bill the following:

*Provided*, If in the judgment of the Secretary of War an amount exceeding the sum of $625, the estimated cost of completing the contract out of which this claim arises according to its terms, is necessary to complete such contract according to its requirements or in a manner to meet the necessities of commerce at such point, the general plan of the work heretofore ordered being considered, then such excess shall be deducted from the above amount in making settlement with said Emory R. Seward.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 865.

IN THE SENATE OF THE UNITED STATES.

APRIL 4, 1888.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 1706.]

Charles Gallagher, for whose relief this bill is intended, was, in July, 1861, appointed by Colonel Baker, formerly United States Senator from Oregon, the regimental sutler for the California regiment and Philadelphia brigade; and on November 12, 1863, he was appointed by Maj. Gen. B. F. Butler, post sutler at Yorktown, Va., through the recommendation of Brig. Gen. Isaac J. Wistar, of Philadelphia; and while holding that position was selected by Maj. Gen. Wm. F. Smith as purveyor for his command. He was further appointed, September 24, 1864, purveyor at headquarters of Department of Virginia and North Carolina and Army of the James in the field; and as such he was subject to court-martial and dismissal from the Army if he failed to obey orders, which were to keep the headquarters and command supplied with such goods as were ordered by the officers and command and approved by the department commander.

His strict accountability to his superiors for the faithful execution of all orders issued to him is thus described in article 60 of the then revised Rules and Regulations of the Army of the United States:

All sutlers and retainers in camp, and all persons whatsoever serving with the Army of the United States in the field, though not enlisted soldiers, are subject to orders according to the rules and discipline of war.

The order of General Butler making such appointment was as follows:

OFFICE OF THE PROVOST-MARSHAL,
HEADQUARTERS OF DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
*In the Field, Virginia, September 24, 1864.*

Mr. Charles Gallagher is hereby appointed purveyor at headquarters of Department of Virginia and North Carolina and Army of the James in the field. Quartermaster's Department will furnish transportation for such supplies as may be required for "Headquarters in the Field" from Washington or Baltimore to Bermuda Hundred.

By command of Maj. Gen. B. F. Butler.

JOHN CASSELS,
*Capt. and A. D. C., Provost-Marshal.*

With this appointment from General Butler he also received orders from the Quartermaster's Department to furnish transportation for such supplies as might be required for "Headquarters in the Field, from Washington or Baltimore to Bermuda Hundred."

While holding this commission, and on or about the 15th of November, 1864, he received orders requiring him to bring to Aiken's Landing, or Bermuda Hundred, James River, an assorted cargo of supplies, the permit for which was issued with the usual official force and in the usual official form. Accompanying this was an order to the collector

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 865.

# IN THE SENATE OF THE UNITED STATES.

APRIL 4, 1888.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill S. 1706.]

Charles Gallagher, for whose relief this bill is intended, was, in July, 1861, appointed by Colonel Baker, formerly United States Senator from Oregon, the regimental sutler for the California regiment and Philadelphia brigade; and on November 12, 1863, he was appointed by Maj. Gen. B. F. Butler, post sutler at Yorktown, Va., through the recommendation of Brig. Gen. Isaac J. Wistar, of Philadelphia; and while holding that position was selected by Maj. Gen. Wm. F. Smith as purveyor for his command. He was further appointed, September 24, 1864, purveyor at headquarters of Department of Virginia and North Carolina and Army of the James in the field; and as such he was subject to court-martial and dismissal from the Army if he failed to obey orders, which were to keep the headquarters and command supplied with such goods as were ordered by the officers and command and approved by the department commander.

His strict accountability to his superiors for the faithful execution of all orders issued to him is thus described in article 60 of the then revised Rules and Regulations of the Army of the United States:

> All sutlers and retainers in camp, and all persons whatsoever serving with the Army of the United States in the field, though not enlisted soldiers, are subject to orders according to the rules and discipline of war.

The order of General Butler making such appointment was as follows:

> OFFICE OF THE PROVOST-MARSHAL,
> HEADQUARTERS OF DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
> *In the Field, Virginia, September* 24, 1864.
>
> Mr. Charles Gallagher is hereby appointed purveyor at headquarters of Department of Virginia and North Carolina and Army of the James in the field. Quartermaster's Department will furnish transportation for such supplies as may be required for "Headquarters in the Field" from Washington or Baltimore to Bermuda Hundred.
> By command of Maj. Gen. B. F. Butler.
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> JOHN CASSELS,
> *Capt. and A. D. C., Provost-Marshal.*

With this appointment from General Butler he also received orders from the Quartermaster's Department to furnish transportation for such supplies as might be required for "Headquarters in the Field, from Washington or Baltimore to Bermuda Hundred."

While holding this commission, and on or about the 15th of November, 1864, he received orders requiring him to bring to Aiken's Landing, or Bermuda Hundred, James River, an assorted cargo of supplies, the permit for which was issued with the usual official force and in the usual official form. Accompanying this was an order to the collector

of the port of Baltimore to give a clearance to the vessel carrying this cargo from that port to her destination.

Mr. Gallagher at once proceeded to carry out his instructions. He purchased supplies which cost him, as shown by bills rendered, $17,886.23, and loaded them on board the schooner *Nimrod*, of which he was the sole owner. The vessel, without delay or hindrance, cleared from Baltimore, proceeded to Fortress Monroe, and there Mr. Gallagher, as in duty bound, reported to the provost-marshal, ordering his captain to be in readiness to proceed at once up the James River to Bermuda Hundred.

As the captain was in the act of carrying out his instructions and getting his vessel under way, she was boarded by the officers of the United States revenue cutter *Phillip Allen*, commanded by Capt. Jos. R. Slicer.

The vessel's hatches were broken open, a large portion of her cargo was placed on deck, boxes and packages were broken under pretense of testing the identity of the freight as shown by the manifest; and this was done by the commander of the revenue cutter with the knowledge that the vessel was properly cleared from Baltimore, and that Mr. Gallagher was under peremptory orders from his military commander to proceed with all possible dispatch to his destination on the James River. By this act of this captain of the revenue cutter the *Nimrod* was detained at Fortress Monroe nearly two days, and when released she proceeded on her course. It appears a Government tug-boat was provided by the Government, to be paid for by Gallagher, to act as a convoy to the *Nimrod* from Fortress Monroe up the James River; that the tug came alongside the *Nimrod*, but finding her in possession of the officers of the revenue cutter steamed off on other duty and did not return when the *Nimrod* was ready to proceed.

Between Fortress Monroe and Mulberry Island claimant's vessel was becalmed in a fog, and was obliged to wait for a Government transport. While thus detained, about 11 o'clock p. m. on the 5th of December, 1864, the *Nimrod* was boarded by Confederates from a number of armed boats, who overpowered the captain and crew of the vessel, appropriated a portion of the cargo, set fire to and burned the *Nimrod*, with the remaining cargo; destroying at the same time and in the same manner the Government tug *Lizzie Freeman*, with a barge she had in tow.

The bill under consideration proposes to appropriate $27,601.67, the alleged value of the vessel and cargo, to reimburse Mr. Gallagher for his loss.

That claimant may have the full benefit in this report of his statement made under oath as to the facts, your committee beg to incorporate in full his affidavit of February 11, 1888, as follows:

DISTRICT OF COLUMBIA, *ss:*

Charles Gallagher, being duly sworn, desposes and says that he is the person set forth in the memorial to Congress for relief for the loss for the schooner *Nimrod* on the 5th of December, 1864, through the detention of Capt. George R. Slicer, of the revenue-cutter *Philip Allen*, which was destroyed as set forth in said memorial; that the facts set forth in said memorial are true; that he was the sole owner of the said schooner and cargo, and that there was no insurance thereon; that his vessels had been towed up from Fortress Monroe by the Quartermaster's Department a great many times, for all of which he paid for such transports from $1 to $1.50 a ton in addition to the 3 per cent. tax at Baltimore and the 1 per cent. tax at Fortress Monroe; that he never had transportation from Baltimore or Fortress Monroe that he did not pay for.

He further states that the schooner *Nimrod*, of 101 tons register, was worth $7,500 before certain repairs made in November, 1864, by Cooper & Slicer, for which he paid

$720.33; that to the best of his knowledge and belief the itemized account of boats, sails, stores, vessel's instruments, and supplies, amounting to $1,448.41, is correct; and that they were lost thereon; that the value of the cargo, as cleared from Baltimore, was $17,886.23; that he paid at Baltimore 3 per cent. tax thereon, of $536.38, and paid at Fortress Monroe 1 per cent. tax thereon, of $178.86; that he was ordered in November, 1864, to bring a large assortment of goods from Baltimore, including camp stoves and winter supplies, clothing, etc., for which a permit approved by General Butler was forwarded to Maj. John Cassels, provost-marshal at Fortress Monroe; that the goods were loaded on his schooner *Nimrod*, under the supervision of the surveyor of the port, by an officer who duly examined all the bills of goods which went on board, a copy of which bills and permit are presented with my claim, showing the amount to be $17,886.23, contained in 837 packages; that, as he understood, this permit was limited to ten days to get to destination; that he has never before made a claim for or been paid for any part of said loss, his papers having been for a long time lost; that he sustained a total loss of $28,270.41, or $668.74 more than charged in his memorial, which variation was caused by failure to include therein the bill for repairs of the schooner and by the supplies belonging to the schooner being placed higher than the items as now presented count up.

That, when ready to proceed up the river, his vessel was boarded by officers from the revenue-cutter *Philip Allen*, who detained it, although he had arranged to get and pay for a tow up the river, and the tow-vessel came alongside twice to take it off into the tow, but as his vessel could not get away from the cutter's officers, the tow had to go on without it.

That the officers opened the hatches of the *Nimrod* and took out parts of the cargo, broke open boxes and barrels in an arbitrary way, and in this way detained the *Nimrod* from the morning of December 3 to the afternoon of December 4, 1864. That when his vessel was released it was compelled to go on up the river alone as best it could, the time of the permit being short; that the vessel proceeded up the river, and when about ten miles above Newport News was becalmed in a fog, and had to anchor, and while waiting for wind or a tow-boat to come along, was about 11 o'clock at night captured by a body of Confederates in charge of an officer wearing Confederate navy uniform, and one of whom he now believes was named Bellville, who took off goods and burnt the vessel, where the remains lay long afterward. That the tug *Lizzie Freeman* came along and was captured soon after, and was burnt at the same place, the crews of both vessels being left in a barge anchored in the river. And that such loss of his vessel *Nimrod* and its cargo was entirely due to the said arbitrary and unnecessary detention thereof by the revenue-cutter *Philip Allen*.

CHARLES GALLAGHER.

Subscribed and sworn to before me this February 11, 1888.
[SEAL.]

M. A. BALLINGER,
*Notary Public.*

Your committee also incorporates herein a supplementary affidavit of Charles Gallagher, the claimant, verified by him March 13, 1888, as follows:

DISTRICT OF COLUMBIA, *ss:*

Charles Gallagher, being duly sworn, deposes and says: That in 1864 he had a large business as post sutler at Yorktown, Va., and as purveyor to General Smith's command of the Eighteenth and two other army corps, of 50,000 men.

That while so engaged upon the Appomatox River he was, by command of General Butler, required to put up tents at his headquarters on the James River, and to bring up the James River and keep full supplies of such goods as should be ordered from time to time for the use of his command.

That accompanying this command was the following order, the original of which he shows:

OFFICE OF THE PROVOST-MARSHAL,
HEADQUARTERS OF DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
*In the Field, Virginia, September* 24, 1864.

Mr. Charles Gallagher is hereby appointed purveyor at headquarters of Department of Virginia and North Carolina, and Army of the James in the field.

Quartermaster's Department will furnish transportation for such supplies as may be required for "Headquarters in the Field" from Washington or Baltimore to Bermuda Hundred.

By command of Major-General B. F. Butler.

JOHN CASSELS,
*Capt. and A. D. C., Provost Marshal.*

That this command was without his previous knowledge or consent, and involved additional outlays and risks on his part; but without staying to count risks, he loyally went on and did his best to promptly supply the needs of the Army, relying upon the transportation and protection promised him in doing so. He shows that he was open to discipline for any neglect of duty, and he was entitled to all the protection needed while in port and in transit. That he was entitled to such special protection he shows by the evidence of General Butler's provost-marshal, Major Cassels, and by the statement of General Butler, cited in an extract from a letter from Senator Chandler, as follows:

WASHINGTON, *February* 5, 1872.

MY DEAR SIR: Major Cassel and I have had a conference about your claim; have also consulted General Butler, and had a talk with Mr. Ordway.

General Butler says that the permit he gave you entitled you to military protection to Army headquarters for vessel and cargo.

Respectfully yours,

W. E. CHANDLER.

Mr. CHAS. GALLAGHER,
*Yorktown, Va.*

That while with energy and fidelity he was engaged in carrying out these instructions he received orders, about the middle of November, 1864, to bring an assorted cargo of supplies, including camp stoves and clothing and other necessaries for the winter camp, and articles of food needed, which the regular quartermasters did not furnish, and an official permit for bringing the same into the Army, by order of General Butler.

That he purchased these supplies in Baltimore to the amount of $17,601.67, which were by a permit from the Treasury Department, a certified copy of which he presents, loaded on his schooner *Nimrod* under the supervision of the surveyor of the port; and after he had given a bond for $50,000, as required, to comply strictly with the regulations for taking goods into the Army, the vessel and cargo were cleared on December 2, 1864, for the James River, Virginia.

That upon this shipment he paid a special tax at Baltimore of 3 per cent. and another at Fortress Monroe of 1 per cent., and that during the war he paid such taxes to an amount, at first at 5 per cent. and then at 3, aggregating more than $25,000, and probably much more than his present claim before Congress; which he believes was not due from him under the regulations of the Treasury Department. (Rules XXIV of September 11, 1863, and XXIII of July 30, 1864.)

That on reporting at Fort Monroe December 3, 1864, he was properly cleared by the Treasury and military authorities there and provided with transportation up the James by a tug, but while getting under way was boarded by the revenue-cutter *Philip Allen*, which, in the alleged performance of her duties, detained the vessel for nearly two days in making examination, as stated, to see if the cargo agreed with the manifest, although with the knowledge of all her proper clearances and peremptory orders to proceed to destination, which detention was usual for all sutlers' vessels in that port, both before and after the blockade was raised at Norfolk, which was three days before, on December 1, 1864.

That in consequence of this detention the transportation provided for him went on and was lost to his vessel, so that when released it had to proceed without convoy, and was lost while becalmed in a fog at night, December 5, 1864, about 15 miles above Fort Monroe, by capture by forces from boats under the command of a Confederate officer.

CHARLES GALLAGHER.

Subscribed and sworn to before me this 13th day of March, A. D. 1888.
[SEAL.] THOS. E. WOODS,
*Notary Public.*

Your committee also gives claimant the benefit herein of the following *amended supplementary* affidavit, verified by him March 27, 1888, and filed with the committee, as follows:

DISTRICT OF COLUMBIA, *ss:*

Charles Gallagher, being duly sworn, deposes and says: That in 1864 he had a large business as post sutler at Yorktown, Va., and as purveyor to General Smith's command of the Eighteenth and two other army corps, of 50,000 men.

That while so engaged upon the Appomatox River, he was, by command of General Butler, required to put up tents at his headquarters on the James River, and to bring

up the James River and keep full supplies of such goods as should be ordered from time to time for the use of his command.

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By command of Maj. Gen. B. F. Butler.

JOHN CASSELS,
*Captain and Aide-de-Camp, Provost Marshal.*

That this command was without his previous knowledge or consent, and involved additional outlays and risks on his part; but, without staying to count risks, he loyally went on and did his best to promptly supply the needs of the Army, relying upon the transportation and protection promised him in doing so. He shows that he was open to discipline for any neglect of duty, and he was entitled to all the protection needed while in port and in transit. That he was entitled to such special protection he shows by the evidence of General Butler's provost marshal, Major Cassels, and by the statement of General Butler, cited in an extract from a letter from Senator Chandler, as follows:

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Respectfully, yours,

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Mr. CHAS. GALLAGHER, *Yorktown, Va.*

That while with energy and fidelity he was engaged in carrying out these instructions he received orders about the middle of November, 1864, to bring an assorted cargo of supplies, including camp stoves and clothing and other necessaries for the winter camp, and articles of food needed, which the regular quartermasters did not furnish, and an official permit for bringing the same into the Army, by order of General Butler.

That he purchased these supplies in Baltimore to the amount of $17,601.67, which were by a permit from the Treasury Department, a certified copy of which he presents, loaded on his schooner *Nimrod*, under the supervision of the surveyor of the port; and after he had given a bond for $50,000, as required, to comply strictly with the regulations for taking goods into the Army, the vessel and cargo were cleared on December 2, 1864, for the James River, Virginia.

That upon this shipment he paid a special tax at Baltimore of 3 per cent., and another at Fortress Monroe of 1 per cent., and that during the war he paid such taxes to an amount at first at 5 per cent. and then at 3, aggregating more than $25,000, and probably much more than his present claim before Congress, which he believes was not due from him under the regulations of the Treasury Department. (Rules XXIV of September 11, 1865, and XXIII of July 30, 1864.)

That on reporting at Fortress Monroe, December 3, 1864, he was properly cleared by the treasury and military authorities there and provided with transportation up the James River by a tug; but while getting under way was boarded by the revenue-cutter *Philip Allen*, which, in the alleged performance of her duties, detained the vessel for nearly two days in making examination, as stated, to see if the cargo agreed with the manifest, although with the knowledge of all her proper clearances and peremptory orders to proceed to destination, which detention was unusual for all sutlers' vessels in that port, both before and after the blockade was raised at Norfolk, which was three days before, on December 1, 1864.

That in consequence of this detention, the transportation provided for him went on and was lost to his vessel, so that when released it had to proceed without convoy, and was lost while becalmed in a fog at night, December 5, 1864, about 15 miles above Fortress Monroe, by capture by forces from boats under the command of a Confederate officer, while waiting for a transport.

The deponent further says that when the French asked and got the privilege to go through to Richmond to bring out certain tobacco owned by them before the war, he asked a like permit and protection, as American citizens, for himself and partners to go up the York River within the Confederate lines, where they owned over

200,000 bushels of oysters, planted before the war, and to bring out their property. That this was agreed to by both the military and naval authorities, and a steam-transport boat with a gun was sent as convoy and tow to take his vessels, while two war ships, one being the *Mystic*, commanded by Captain Hayes and by Captain Wright, stood guard below for their protection. That for this he paid the naval authorities by the day and paid the military authorities a tax upon the oysters.

Deponent further says that the transportation stated in General Butler's command to him, dated September 24, 1864, was understood to mean whatever convoy and tow was needed to bring his vessels safely up the river. That it was a continuation in this respect of a previous express contract, which, by general practice there, had become an implied contract. That this previous contract and practice arose in this way:

In the year 1862 deponent was ordered, under authority of General McClellan, to bring an assortment of supplies to Harrison's Landing, on the James River, Virginia, for the Philadelphia brigade. That his vessel was refused permission to go up the James River alone by Capt. James Hunt, master of transportation of the Quartermaster's Department. That afterward he was allowed to proceed with a convoy, consisting of a large steamer, with troops and a gun-boat following, upon paying $1.50 a ton for this transportation, which was fully agreed to and paid for by deponent.

That he afterward had similar convoy protection with tows at different times up the James River, as well as up the York and Appomattox Rivers. And that he knew several sutlers having vessels with tows and convoys up the James River, for which they paid the same prices. That at one time, in partnership with Todd, Chamblin & Co., of Norfolk, purveyors for General Butler's command at that time, they had vessels of goods taken up by a large steamer carrying troops, paying the same price, $1.50 a ton therefor. And that it became the general practice for vessels to have whatever convoy of military force was needed up the James River as an incident to and essential part of transportation, for which they paid the prices charged, in addition to the special taxes at shipment and 1 per cent. tax at Fortress Monroe.

That when General Butler's command came to him without previous knowledge or consent on his part, he did accept it as an offer on the part of the United States, and a contract; and understanding the word transportation as promised him therein to be a promise of whatever might be needed to bring his vessel safe up the river, as an inducement for him to undertake this otherwise hazardous business. That in this he understood it to mean what he had been compelled to contract for at first, and which he had received and willingly paid for; and the same which he and others had afterward continued to receive and pay for, as upon its continuation as an implied or tacit contract.

That this understanding of deponent he had good reason to and did believe to be the same which General Butler held. That in corroboration of this view, General Butler's letter to the committee is presented, and the affidavit of Major Cassels, who was General Butler's aid-de-camp and provost marshal in making this command to deponent. That not only was this the same understanding on both sides, but the contrary would be unreasonable and contrary to both public and military policy; and therefore such understanding was right and proper, and the just basis of a contract.

Deponent further says that he supposes that the *Lizzie Freeman* tug, which was captured the same night with his vessel, had been sent to take his vessel up the river, but got there too late to enable the crews of both vessels to act together for their protection.

CHARLES GALLAGHER.

Subscribed and sworn to before me this 27th day of March, A. D. 1888.
[SEAL.] THOS. E. WOODS,
*Notary Public.*

Your committee also herewith incorporates the affidavit of Capt. John Cassels, who at the time of the capture of claimant's vessel was provost marshal at Fortress Monroe:

DISTRICT OF COLUMBIA, *ss:*

John Cassels, being duly sworn, deposes and says he is a resident of 1907 F street northwest, Washington, D. C., and that he was major in Eleventh Pennsylvania Cavalry, and that he was aid-de-camp of Maj. Gen. B. F. Butler and provost-marshal of the Department of Virginia and North Carolina in 1864, at Fort Monroe; that he knew Charles Gallagher, who was appointed post sutler at Yorktown, Va., by General Butler, in 1863; that said Gallagher was appointed September 24, 1864, purveyor at headquarters of the Department of Virginia and North Carolina and the Army of the James in the field; that the Quartermaster's Department was instructed to give him transportation for such supplies as might be required for the headquarters and the officers of the command in the field, from Washington and Baltimore to

Bermuda Hundred, as approved by the department commander; all such transportation by steam tow-boat or otherwise was to be paid for by the said Gallagher and was not to interfere with the transportation of supplies for the Army by the Quartermaster's Department; that said Gallagher was subject to military orders and regulations, and liable to be dismissed. All permits were registered and forwarded to the Treasury Department at Washington, and were subject to a tax of 1 per cent., which was applied to the civil fund. Official permits were sent from Washington to the collectors of the ports where the goods were to be shipped. On arriving at Fort Monroe all such vessels were obliged to report with their manifest, which was examined and approved, and when found correct the vessel was cleared and ordered to go on to its destination.

That the said Gallagher frequently had his vessels towed up by the Quartermaster's Department; that at one time the barge *Levi Willard*, with a cargo of supplies from Baltimore to Bermuda Hundred, had an order for the same from General Butler on Major Belcher, quartermaster at Baltimore, to give the said Gallagher a tow down the bay and to charge for the same, providing it did not interfere in any manner with the Government business. All vessels having sutler's supplies were detained and searched by the revenue cutter *Philip Allen*, at Fort Monroe, Va., they having the proper military permits and custom-house clearances. I also know that Charles Gallagher's vessels were detained. As I had no supervision over the revenue cutter, I had no right to interfere. I know that many complaints were made of the troublesome and unnecessary detention of vessels by the officers of the revenue cutter *Philip Allen*. I know of the capture and loss of Gallagher's schooner *Nimrod*, on the 5th of December, 1864, which was burnt, together with the Government steam-tug *Lizzie Freeman*, on James River, some 10 or 12 miles above Newport News, by a body of Confederates.

I am of the opinion that the detention of Gallagher's vessels at Fort Monroe from time to time by the revenue cutter *Philip Allen* must have been a serious loss to him, and I hope he may get relief from Congress for the loss of the *Nimrod*, as he should have had protection in getting supplies to the headquarters of the Army of the James at Bermuda Hundred, Va.

JOHN CASSELS.

Personally appeared before me John Cassels, who, being to me well known, doth swear that the foregoing statement is true to the best of his knowledge and belief.

[SEAL.] EDWARD J. STELLWAGEN,
*Notary Public, District of Columbia.*

Claimant has also presented to and filed with your committee a communication from General B. F. Butler, of which the following is a copy:

Hon. J. H. MITCHELL,
*United States Senate:*

DEAR SIR: I am informed that, as a member of the Committee on Claims of the Senate, you have charge of the claim of Charles Gallagher for loss by the capture in the James River in 1864 of the schooner *Nimrod* and cargo.

It appears from papers that Mr. Gallagher was duly appointed by me, major-general commanding the Department of Virginia and North Carolina, to be purveyor at headquarters.

It became his duty to furnish in the field proper supplies. For that purpose he had safe conduct to Baltimore and return, from whence the supplies were to be derived.

After his schooner, the *Nimrod*, was in the James River, within the limits of the department and our lines, and so under the military protection of the United States, in accordance with his duty, he was attacked by a guerrilla party of marauders and his property destroyed.

It seems to me that he is entitled to some consideration at the hands of Congress, because he brought his property within reach of the danger by which it suffered by military command and for proper military purposes.

I state these facts for your information at his request, although they may otherwise appear from search into the proper papers.

I have the honor to be, very respectfully, your friend and servant,

B. F. BUTLER.

A question of laches arises in this case which will be adverted to before discussing the merits of the case presented. Why, it is naturally inquired, did the claimant, Mr. Gallagher, not present his claim sooner? That he may have the full benefit of his answer to this in-

quiry, your committee quote the following from his affidavit appended to his memorial:

Deponent further says that the reason that he has not made claim for his loss before is that the original permits, manifests, and invoices of cargo were destroyed with the vessel, and that after many years of constant search and watchfulness he was unable to find his original commission from General B. F. Butler as mentioned in the memorial; also a certified copy of the invoice of goods, manifest, and permit as passed by John F. McJilton, surveyor of customs of the port of Baltimore, Md., and other valuable papers tending to establish and prove his claim.

That about the year 1874 deponent went to Washington with the intention of having his papers put in proper form, preparatory to presenting his claim to Congress, but that deponent was informed by his attorney that Congress was too much pressed with matters of state to take up bills for relief.

That in 1875 this deponent was informed by William N. Griswold, of New York City, then engaged in business as a specialist and broker, that he would prepare and present the case to the Government, and assured deponent that he would do so at once, and upon this promise deponent turned over to the said William N. Griswold all his papers having more or less relation to his case.

That deponent repeatedly called upon said Griswold and tried to ascertain what progress he was making, and finding that he had not moved in or given his case any attention, this deponent requested that his papers be returned to him. Said Griswold informed this deponent that he had mislaid or lost the papers while moving his office. This deponent repeatedly asked said William N. Griswold to make a more thorough search for his papers or to have his clerk do so. Thus deponent was unable to obtain his papers until the year 1886, and upon examining the same found that the package contained only a part of the original papers placed in said Griswold's hands in 1875.

Deponent further says that during the Forty-ninth Congress he prepared his petition and placed it in the hands of Hon. Nicholas Muller, then the Congressman representing the district in which deponent resided, and requested that gentleman to lay his petition before Congress and ask for a relief for his loss, but Congressman Muller failed to present the petition and Congress adjourned, and thus deponent accounts for the reason of the delay.

The view taken of this case by your committee on its merits renders it unnecessary to decide whether the reasons here presented for delay are sufficient or otherwise; but in view of the fact that the claimant may insist on having his case go to the Calendar, notwithstanding an adverse report, it is deemed proper that he should have the benefit of all the facts material to a thorough understanding and decision of his case upon all points.

Upon this state of facts the question presented is whether the Government of the United States is liable for the claim presented by Mr. Gallagher upon any principle of law or equity recognized by Congress in making appropriations to meet the claims of private individuals against the Government.

Your committee, while fully satisfied as to the personal integrity and high standing of the claimant, of his faithfulness and efficiency in Army service during the rebellion, and of the facts as claimed and herein stated, are unable to find any ground upon which they can stand with any degree of safety in recommending the payment of this claim.

Stripped of all unsound reasoning, it is simply a claim upon the part of a loyal man, acting in the capacity of a sutler and purveyor in the Union Army, for property destroyed by rebels on an arm of the sea, in time of actual war. The claimant rests his claim, first and mainly, upon the ground that his vessel—the *Nimrod*—was unreasonably, if not indeed unlawfully, detained by the officers of the revenue marine for nearly two days near Fortress Monroe; that by reason of such detention he was prevented from securing tug pilotage; subsequently, while proceeding alone, became becalmed, and while in this situation his vessel and its cargo were seized by the enemy, part of the latter

appropriated to the use of the enemy, and his vessel and the balance of the cargo burned.

It is virtually conceded by claimant in the argument presented that had there been no such detention as stated by the officers of the revenue marine, no liability upon the part of the Government would exist. The question, therefore, in so far as this claim is concerned, is narrowed to the single point: Did this detention under the circumstances herein narrated create a liability.

Your committee are clearly of the opinion that it did not, and for several reasons. If the act of the revenue officer were one authorized by the Government, and the execution of that authority was regular, then it was manifestly but one of the many conditions and hazards to which the claimant was necessarily subjected by the very hazardous nature of the service in which he was engaged.

In that view of the case such detention was no more illegal or unlawful than was the detention at Baltimore while procuring a permit from the custom-house, or at Fortress Monroe while communicating with the provost marshal. In other words, it was a part and parcel of the risk, and one of the many risks and detentions naturally incident to the martial service in which claimant was engaged, and therefore such detention could create no liability upon the part of the Government for things subsequently happening, and which it is supposed never would have happened but for such detention; and which, moreover, might, and in all human probability would, have happened had such detention not have occurred. But, on the other hand, suppose the act of the revenue officers in detaining the *Nimrod* for the time specified—nearly two days and one night—was *ultra vires* in its nature, was unauthorized by the Government, and was, if you please, unlawful, illegal, wanton; what then? Surely the Government can not be held liable for such an act on the part of any of its officers.

In that case, the officers engaged in this unlawful business would have been liable *personally*, not perhaps for what followed the next day, and which *might* have occurred had there been no detention, but for the detention itself, and the loss of time and damage necessarily and directly incident thereto.

But aside from all this, your committee are of the opinion that it would be an unwarrantable supposition to hold that had there been no detention of the *Nimrod* by the officers of the revenue marine, that then she would not have fallen a prey to the enemy, and would have reached her destination at Bermuda Hundred, on the James River, in safety. It would be a most violent presumption to indulge in to say that the success of the enemy in capturing the *Nimrod* and cargo was due solely and exclusively to the fact that she was detained for the time mentioned by the officers of the revenue marine near Fortress Monroe.

The claimant insists further, however, that he has a right to recover in this case on the following grounds:

First. Because a government of a country, as it is alleged, is bound to protect the persons and property of its people when engaged in lawful business, and especially where it authorizes them to go in its own waters.

This duty of protection, it is claimed, is what the Government owes in return for the support and loyalty it claims from its people, as by virtual contract. And in this connection, it is claimed, this is a duty felt by Great Britain, which always in time of war furnishes armed convoys for the ships of its subjects wherever it allows them to go upon the

oceans of the earth, to prevent the national loss of their capture and the advantage to the enemy of the same, as well as to prevent the dishonor and loss from the necessities of war, driving vessels and citizens to allegiance to other flags for protection, and this, on the broad ground, it is insisted, that the strength of a State is in the wealth and hearts of its people. And it is urged, furthermore, in this connection, upon the part of the claimant, that the United States recognized this obligation of protection to vessels from capture during the war by inserting in all contracts for the use of vessels for the transport of troops and stores a clause to pay for the vessel if captured.

Again, it is insisted, the Government is liable—

Second. Because, beyond the general right of protection due to the property of all citizens in pursuits permitted by the Government, he was entitled to protection in the waters of his country where his vessel was especially permitted to go in return for the payment of port dues of every kind and special taxes which he paid to secure the same, as at Baltimore and other places; and in this connection it is claimed that the claimant had paid during the war special taxes on goods shipped over this route to the Army probably more than this claim, while many others paying the same had no loss.

Again, it is insisted, the Government is liable—

Third. Because, still beyond the right of protection in return for the payment of dues and special taxes, he was entitled to special care and protection because he was in a needed special service of the military forces of the United States in bringing goods specially needed at that time by the Army in the field at the beginning of winter, which goods were not furnished by any other source of supply, and which he was specially commanded and ordered to bring, which he was doing, as it is claimed, as speedily as possible.

A liability is claimed, furthermore—

Fourth. Because, still beyond this general right of protection for this special requirement of him, he was entitled to protection because it was promised to him, and was one of the inducements offered to him to engage in this hazardous business.

Answering the fourth claim first, your committee respectfully submit there is no evidence in this case that the claimant was promised protection. No order to that effect has been produced from either the President of the United States, the Secretary of War, or any commanding officer. Therefore it can not be said that he was entitled to protection because it was promised him, or that it was one of the inducements offered to him to engage in this hazardous business.

Your committee, further replying to the first, second, and third contentions of claimant as above stated, can not agree that the government of a country is bound in the absence of special contract to protect the persons and property of its people against the hazards of actual war or depredations by the public enemy when the country is engaged in actual war.

To hold that the Government of the United States is bound to indemnify all persons against loss, although such loss occurs while engaged in lawful business, and whether authorized to go on its own waters or elsewhere in such pursuit, would be to hold that the Government was liable for all loss suffered by individuals during the war, whether occasioned by capture, incendiarism, or otherwise by the Confederates. The duty of protection which the Government owes its citizens in return for the support and loyalty it claims from its people cannot be extended to such a limit.

It is true the United States did during the war in divers instances obligate itself, by special contract, to protect vessels from capture and to indemnify owners in case of capture or loss by other means, by inserting in its contracts for the use of vessels for the transport of troops and stores a clause to pay for the vessel if lost or captured; but that is a very different proposition from the one presented in this case. In such instances there were specific and special contracts—

First. For the employment of vessels for certain specific purposes; and

Second. By providing for indemnity in case of their loss.

Not infrequently has Congress indemnified citizens under such circumstances.

Nor can it be said, in the judgment of your committee, that the mere fact of the payment of port dues of any or every kind, or of special taxes for special privileges during the war, imposed upon the Government an implied obligation to indemnify persons making such payments against loss on account of capture or destruction of property by the Confederates.

Your committee has been cited to certain cases supposed to have a bearing upon the claimant's right to recover in this case. They are as follows:

The case of Mead *vs.* The United States (2 C. Cls. Rep., p. 247); Vattel's Law of Nations, p. 14.

In 1861, it is alleged, several vessels were detained for supposed attempts to run the blockade and were afterwards released as innocent, and Congress passed acts to pay for these detentions, and the following cases are cited:

British bark *Perthshire*, Thirty-seventh Congress, second session, private, ch. 5, January 17, 1862, Stat. L., 901.

Norwegian bark *Jorgen Lorentzin*, same session, ch. 61, April 25, 1862; Stat. L., p. 902.

Spanish bark *Providencia*, same session, ch. 66, May 12, 1862; Stat. L., p. 903.

Danish bark *Admiral P. Tordenskiold*, same session, ch. 35, February 14, 1863; Stat. L., p. 916.

Also, a case in 8 C. Cls. Rep., p. 371.

It is also alleged that losses have been paid in cases where the public service required the detention, and also where the parties were not in the discharge of any public duty.

It is insisted such were the cases of certain wagon trains taking goods across the plains during the Mormon war of 1852, which were detained by the Army, causing the loss of many teams and goods.

Two other cases of a similar nature are also cited, recently decided by the Court of Claims—those of Charles A. Perry & Co. *vs.* The United States, and Irvine & Co. *vs.* The United States.

All these latter cases, however, proceed upon the theory that there was an "impressment" upon the part of the military authorities of the Government. There were in all these cases a compulsory detention, and impressment into the public service of the private property of the individual, under an emergency that justified the act, and which resulted either in a direct benefit to the Government by the use of the property impressed or that the detention of the property for a greater or less length of time was a most substantial advantage to the Government.

The doctrine recognized in these recent cases of the Court of Claims, cited by claimant, is that referred to by the Supreme Court of the

United States in the cases of Mitchell *vs.* Harmony (13 Howard, 134), and the United States *vs.* Russell (13 Wall., 623). In the latter case the court said:

> Such a taking of private property by the Government when the emergency of the public service in time of war or impending public danger is too urgent to admit of delay, is everywhere regarded as justified, if the necessity for the use of the property is imperative and immediate, and the danger as heretofore described is impending; and it is equally clear that the taking of such property under such circumstances creates an obligation on the part of the Government to re-imburse the owner to the full value of the service. Private rights under such extreme and imperious circumstances must give way for the time to the public good, *but the Government must make full restitution for the sacrifice.* (13 Wall., p. 623.)

But both the facts and principles involved in the case at bar are wholly dissimilar in substance and effect to those in the cases just quoted.

Here there was no *taking*, no *impressment* of the property of the claimant; there was no *detention* by military or other governmental authority by reason of any emergency justifying the act. The detention was either a necessary incident attaching to commerce in a time of actual war, and to which all subjected themselves who engaged in its perils at such a time, or otherwise it was the result of an illegal and wanton act upon the part of an officer of the revenue marine, and in either event the Government is not liable for the resulting damage. There was no contract, either express or implied, upon the part of the Government to indemnify claimant in case of loss, even though such loss had occurred from other cause than that of the act of the public enemy, *a fortiori*, may it be said, there was no stipulation upon the part of the United States, either direct or implied, to indemnify claimant against the incendiary torch of the Confederates.

To hold the United States liable therefore for this claim under these circumstances would, in the judgment of your committee, be to recognize a principle that would create a liability on the part of the Government for almost every species of individual property destroyed by the Confederates during the war. We know of but one good effect that could follow the adoption of such a principle, that is, it would certainly reduce the surplus in the Treasury; but your committee are of the opinion that the end, in that case, would not justify the means.

Your committee therefore report back bill S. 1706 adversely, and recommend that it be indefinitely postponed.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 866.

# IN THE SENATE OF THE UNITED STATES.

APRIL 4, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2100.]

*The Committee on Pensions, to whom was referred the bill (S. 2100) granting a pension to Charles Tidmarsh, have examined the same, and report:*

This claim was rejected by the Pension Office on the ground that, at the time of receiving his disabilities, the claimant was a member of a State organization, and so, under the provisions of section 4693, Revised Statutes, the claim should have been completed by July 4, 1874, whereas it was not filed until June 24, 1886.

Tidmarsh enlisted May 20, 1864, under the name Charles Williams, as a member of Company C, First Regiment, Kentucky Capital Guards, and was honorably discharged February 28, 1865. While in the line of duty, during an attack by guerrillas, the claimant was wounded in the left side, the left shoulder, and the left arm, and also slightly in the breast. His disability is rated at total, and his suffering is great. During the winter season he suffers intense pain in his wounds, and has had to remove South to escape the Northern winters. The only question is whether there is sufficient merit in the case to warrant its allowance, notwithstanding the statutory limitation. The claimant says:

> The reason I did not apply for a pension years ago was I was making a very good living, and as my expenses were small, I did not need it.

The claimant has a wife and four children to support, and is certainly a worthy object of relief; he thought he could make a living without asking the Government for what was due him, and now that his wounds are troubling him more and more, and he is getting old, this self-sacrifice ought not to stand in the way of his receiving his equitable deserts.

Your committee deem this case an exceptional one, and recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 867.

# IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1888.—Ordered to be printed.

Mr. BLACKBURN, from the Committee on Naval Affairs, submitted the following

# REPORT:

[To accompany bill S. 1914.]

*The Committee on Naval Affairs, to whom was referred the bill (S. 1914) for the relief of Mary E. Hopkins, having had the same under consideration, beg leave to submit the following report:*

The following facts appear from a report (H. R. Report No. 3231, Forty-ninth Congress, first session,) made to the House of Representatives on July 17, 1886:

Capt. Alfred Hopkins entered the Naval Academy October 1, 1851, and graduated No. 5 in his class on June 9, 1855, and received a warrant as midshipman from that date.

On June 25 of the same year he joined the United States frigate *Congress*, and remained on board her cruising, in the Mediterranean squadron, until January 14, 1858, when the ship returned home and was put out of commission. In March of the same year his class received their final examination, when he passed No. 2, and received his warrant as passed midshipman April 15, 1858. On April 19, 1858, he was ordered to the United States brig *Bainbridge* as acting master.

The *Bainbridge* sailed for the coast of Africa, where she cruised for several months, and then joined the expedition to Paraguay under Commodore Perry. The *Bainbridge* was one of the vessels selected to form one of the Brazil squadron, and he remained on that station in her until she returned home and was put out of commission, November 13, 1860. November 4, 1858, he was warranted as master, and May 31, 1860, commissioned as lieutenant. On July 15, 1861, he was ordered to the United States steamer *Louisiana* as executive officer, and was engaged in all the operations of the squadron in Burnside's expedition to the sounds of North Carolina. A day or two before the capture of New Berne he was ordered to command the United States steamer *Underwriter*.

He was present at the battle of New Berne, in command of the *Underwriter*, and remained in command of her until October 30, 1862, when he was ordered to the iron-clad *Weehawken;* on December 27, 1862, he was ordered to the iron-clad *Lehigh*, and remained attached to her until April 6, 1863. On July 16, 1863, he was promoted to be a lieutenant-commander. On September 13, 1863, he was ordered to duty in the South Atlantic blockading squadron. He was on duty there first as executive of the *Wabash*, then of the *Lehigh*, and finally in command of the United States steamer *Seneca*, until February 16, 1864. On September 24, 1864, he was ordered to the Naval Academy, where he remained until May 3, 1865, when he was ordered to the United States steamer *Agamenticus* as executive, where he remained on duty until she was put out of commission, September 18, 1865.

On November 17, 1865, he was ordered as executive to the United States school-ship *Savannah*, but was detached on the 29th of the same month, the ship going out of commission. On April 21, 1875, he was examined for promotion to the rank of commander and received his commission as such to date from March 2, 1871. From December 21, 1875, until July 15, 1876, he commanded the iron-clad *Wyandotte*. From August 7, 1877, he commanded the *Wyoming* until February 11, 1878. From November 20, 1878, until May 6, 1879, he was on duty at the navy-yard at Norfolk, when he joined the class at the torpedo station, where he was stationed until August, 1879. On June 10,

1881, he reported for duty at the navy-yard at Pensacola. On May 10, 1882, he was examined for promotion to captain, and received a captain's commission, dated May 11, 1882. On September 6, 1883, he was detached from the Pensacola yard. On November 21, 1882, he was dismissed by sentence of a court-martial on the charge of leaving his station before being regularly relieved, and conduct unbecoming an officer and prejudicial to discipline. He has seen thirteen years and nine months' service at sea, and six years and eight months' duty on shore.

The House committee then refer to the certified copy of the entire proceedings of the court-martial appointed by the Secretary of the Navy to try said Captain Hopkins, and proceed to argue against the justice of the proceedings and conviction, and to comment on the severity of the sentence.

Capt. Alfred Hopkins died on the 24th day of September, 1884. The bill proposes to give to his widow, Mary E. Hopkins, the salary, on leave pay, to which her husband would have been entitled between the date of his dismissal and that of his death, if he had not been dismissed.

Your committee do not intend to reflect or impugn in any way the action of the Judge-Advocate, the Secretary of the Navy, or of the President, who approved the sentence of the court-martial in the case of Captain Hopkins, but base their report upon the ground that he, being now dead, has paid the full measure of the verdict imposed, and the committee regarding the punishment inflicted by the court-martial as excessive, in comparison with the offense for which he was tried, as applied to his surviving widow, therefore report this bill favorably, and earnestly recommend its passage.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 868.

# IN THE SENATE OF THE UNITED STATES.

APRIL 5, 1888.—Ordered to be printed.

Mr. SPOONER, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill S. 1715.]

*The Committee on Claims, to whom was referred the bill (S. 1715) for the relief of the sureties of Dennis Murphy, have had the same under consideration, and respectfully report:*

That the facts in this case are contained in the report of the House Committee on War Claims made at the first session of the Forty-ninth Congress. The report referred to, which is adopted by this committee, is as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 4811) for the relief of the sureties of Dennis Murphy, report the same back, with a favorable recommendation, and in support of their recommendation make the following statement:

Dr. Dennis Murphy, now deceased, was appointed in 1858, with the consent of the Senate, paymaster and military storekeeper at the national armory at Harper's Ferry, Va., and on the 28th of April, 1858, executed the bond required by law, in the penalty of $50,000, with Allen C. Hammond, George Seibert, William Megary, and Charles J. Faulkner as sureties. From the date of his qualification to January 1, 1861, the accounts of said Murphy were rendered every quarter to the entire satisfaction of the Government, and with a fidelity and accuracy not to be surpassed in a disbursing officer. His next settlement, for the quarter ending March 31, 1861, was, as appears by the statement of his clerk, promptly made out as usual and signed, but could not be transmitted to Washington because the superintendent of the armory, A. M. Barbour, whose signature was also necessary, was absent attending the Virginia State convention as a member thereof. Said Barbour did not return to Harper's Ferry until after the ordinance of secession had passed and the place in occupancy of the Confederate troops.

The official residence of said Murphy was occupied by the Confederates, and it further appears that, before their evacuation of Harper's Ferry, a subordinate officer, contrary to the orders of General Johnston, broke open the vault containing Murphy's papers and vouchers, and in the evacuation and the subsequent occupation by Federal troops these were scattered and, with a single exception (a pay-roll for February, 1861), were lost or destroyed. Said Murphy, on being dispossessed of his house, removed to Winchester, Va., with his family. The above pay-roll being found on the street by a citizen of Harper's Ferry was in time forwarded to the Ordnance Department.

In July, 1861, Murphy was removed, and on the adjustment of his accounts a balance stood against him on the books of the Treasury of $57,518.52.

The summaries, however, for each month forwarded to the Ordnance Department by the storekeeper for the months of January, February, and March, 1861, official copies of which have been examined by your committee, reduce this nominal balance to the amount of $10,153.06 on the 31st of March, 1861, which he reports as follows:

| | |
|---|---|
| In hands assistant treasurer New York | $8,273.38 |
| In hands depository, Baltimore | 1,878.68 |
| | 10,153.06 |

Of the first sum, $5,840.95 remained on April 29, 1861, and was transferred to the Treasury of the United States, and checks for the residue were issued between April

1 and 14, and paid by the depository. Checks for more than the amount reported in the Baltimore depository were also drawn after April 1, 1861.

It will thus be seen that while no legal settlement could be made by the Comptroller allowing said Murphy credit for said nominal balance of $57,518.52 on the books of the Department, there existed in the Department very persuasive evidence that he had fully accounted for the public funds in his hands.

Dr. Murphy lived for some eight or ten years after the war, and was never called on to make any further settlement of his accounts, nor were his sureties ever notified that any settlement was needed. In 1876, while one of said sureties, Mr. Faulkner, was a member of Congress, they were first officially notified that the books of the Treasury showed the above balance due from Murphy. A petition was then filed by Allen C. Hammond, one of said sureties, setting forth substantially the above facts, and praying relief at the hands of Congress. That petition being referred to the Ordnance Department by Hon. A. A. Hardenbergh, the Chief of Ordnance, after stating the facts shown by his office, gave the following opinion:

"In my opinion the sureties of Military Storekeeper Murphy should be relieved from responsibility under their bond."

Mr. Faulkner being then, as stated, a member of the House, declined to have any action taken looking to his relief. All the sureties of Murphy are now dead, their estates generally settled, and some of them insolvent. Murphy himself died insolvent. In view of all these facts above set forth, in view of the long delay by the Government in notifying the sureties, the utter impossibility of having any settlement now that could be verified and just, it seems to the committee that it is but fair to pass this bill and relieve the estates of any of the decedents whose estates are solvent of the shadow of this stale claim. This view is the more confirmed by the almost conclusive evidence that there was never anything actually due the Government from Murphy.

The committee approve the indorsement of the Ordnance Department on Hammond's petition and a letter from the present Second Auditor of the Treasury, recommending the passage of this bill, and report the same favorably.

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Indorsements on letter of the Hon. A. A. Hardenbergh, dated House of Representatives, February 21, 1876, inclosing the memorial of Allen C. Hammond, in behalf of himself and the other securities of Dennis Murphy, and requesting that copies of the letters and papers in the case be furnished.

[First indorsement.]

ORDNANCE OFFICE, WAR DEPARTMENT,
*Washington, February* 28, 1876.

Respectfully submitted to the Secretary of War.

The statements of the petitioners as to the appointment of Dennis Murphy as military storekeeper, the date of his bond, and the prompt and satisfactory rendition of his accounts up to December 31, 1860, are corroborated by the records of this office.

The last regular cash account rendered by Military Storekeeper Murphy was for quarter ending December 31, 1860. His monthly statement of funds received and expended for the months of January, February, and March, 1861, were forwarded, and show a balance on March 31, 1861, of $10,153.06 due the United States (see statement marked A), but no vouchers in support of disbursements since December 31, 1860, have been received except the February pay-roll found after or about the time of the destruction of Harper's Ferry, and forwarded by this office to Second Auditor.

The last settlement by the Treasury Department known to this office was in 1861, when Military Storekeeper Murphy received credit for the payments made on February roll, amounting to $15,609.49, and a balance of $5,840.95 found to his credit with assistant treasurer, New York, and turned into the Treasury of the United States. By this last settlement he is shown to be a debtor to the United States in the sum of $57,518.52. (See statement marked B.)

Accompanying are statements showing checks drawn by Military Storekeeper Murphy on assistant treasurer, New York, and depository, Baltimore, from January, 1861, to April, 1861. (See statements marked C and D.)

If all the checks thereon reported were drawn in favor of public creditors, and from the balance shown to be on hand December 31, including remittances after that date, as shown by statement B, it would seem that he had accounted for all the public money intrusted to him.

Copies of his accounts current for quarter ending December 31, 1860, and of his monthly statement of receipts and expenditures for December, 1860, are appended, *marked E.*

The Second Auditor of the Treasury is charged by law with the examination and settlement of the accounts of ordnance disbursing officers, and with instituting proceedings against delinquents or defaulters.

The official settlements in this case are on file in his office, and it is suggested that these papers can be verified by reference to him. In my opinion the sureties of Military Store-keeper Murphy should be relieved from responsibility under their bond.

S. V. BENÉT,
*Brig. Gen., Chief of Ordnance.*

[Second indorsement.]

WAR DEPARTMENT,
*March* 1, 1876.

Respectfully referred to the Second Auditor of the Treasury for his views.
By order of the Secretary of War.

H. T. CROSBY,
*Chief Clerk.*

[Third indorsement.]

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
*March* 6, 1876.

Respectfully returned to the War Department. Dennis Murphy, late military store-keeper, Harper's Ferry Armory, rendered accounts, with vouchers, to include December 31, 1860, to this office, through the Ordnance Bureau of the War Department, and a settlement was made July 22, 1861, showing his indebtedness to the United States on the books of this office in the sum of $73,128.01. On July 2, 1861, the Ordnance Office received a roll of hired men for February, 1861, at Harper's Ferry Armory, paid by Dennis Murphy, amounting to the sum of $15,609.49. This roll was referred to me for settlement. On July 26, 1861, said roll was allowed, which reduced Dennis Murphy's indebtedness to the sum of $57,518.52.

The accounting officers of the Treasury can not allow any disbursing officer credit for disbursements made unless vouchers are produced; nor can they relieve sureties from any responsibility of their principals. It is for Congress to afford relief if the wisdom of that body deems it proper.

E. B. FRENCH,
*Auditor.*

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TREASURY DEPARTMENT,
*June* 29, 1886.

SIR: I have the honor to forward herewith report of the Second Auditor of this date upon H. R. 4811 for the relief of the sureties of Dennis Murphy, in compliance with your request to him of the 25th instant.

Respectfully, yours,

W. E. SMITH,
*Assistant Secretary.*

Hon. WILLIAM L. WILSON,
*House of Representatives.*

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TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
*Washington, D. C., June* 29, 1886.

SIR: I am in receipt of your favor of the 25th instant, asking me to examine House bill 4811 for the relief of the sureties of Dennis Murphy and give my opinion as to the justice of and necessity for passing the same. As my opinion will be governed by the facts in the case I will recite as briefly as possible such as appear to be material, which are as follows:

Dennis Murphy was appointed military store-keeper of ordnance April 7, 1858, and gave bond in the penal sum of $50,000, his sureties being Allen C. Hammond, George Seibert, William McGary, and Charles J. Faulkner, all then of Berkeley County, Virginia. He was on duty as paymaster at Harper's Ferry Armory until about the time that establishment was set on fire and abandoned by United States troops, April 18, 1861, and was summarily dismissed July 19, 1861, for failure to render his accounts. The last complete accounts received from him were for the quarter ending December 31, 1860. On final settlement a balance of $57,518.52 was declared to be due from said Murphy and still stands against him on the books of this office, though there is reason to believe that if his accounts had been promptly rendered it would have been found that he had expended nearly all the public money for which he is held accountable in defraying the current expenses of the armory.

In April, 1862, the Second Comptroller requested that Murphy's accounts be prepared for suit, but the request does not appear to have been complied with; probably neither Murphy nor his sureties could then have been reached by process of law. In December, 1875, the Auditor called the Comptroller's attention to the condition of the accounts, and was instructed to make demand upon Murphy's sureties. This was done, but only one responded, namely, Hon. Charles J. Faulkner, then a Representative in Congress, who stated that while he remembered having recommended Murphy's appointment, he had no recollection of having become a surety upon his official bond. Mr. Faulkner called at this office several times, and at his request action was suspended in order that he might obtain relief from Congress. Nothing seems to have been done until after Mr. Faulkner's death, in November, 1884, when demand was made upon the administrators of his estate. The bill now before me is no doubt the result of that demand.

It is stated that Murphy was possessed of considerable property in West Virginia, which he sold after the war and entered into business in Baltimore, where he died insolvent about the year 1873. William McGary is also said to be dead. No information as to Allen C. Hammond and George Seibert is on record, but an impression seems to have prevailed that Mr. Faulkner, who was reported to be worth between $200,000 and $300,000, was the only responsible surety.

Assuming that it was impossible to force a settlement with Murphy or his sureties during the war, the following facts remain:

1. Although eight years elapsed between the close of the war and Murphy's death no attempt was made to obtain a settlement with him. He was not even notified of the condition of his accounts.

2. The sureties were not notified that their principal was in default until more than seventeen years after the date of the bond and more than ten years after the close of the war—he, in the mean time, having died insolvent. Altogether, more than twenty-five years have been suffered to pass since the principal became in default without decisive action on the part of the Government.

In view of these facts I am of opinion that the sureties on the official bond of Dennis Murphy may justly be released from all liability by reason of such suretyship.

With regard to the necessity of passing the accompanying bill, I would say that, with the exception of section 3469, Revised Statutes, which authorizes the Secretary of the Treasury to accept offers of compromise under certain circumstances, there is no law under which the sureties of a defaulting military disbursing officer can be released from their liability. As laches can not be imputed to the Government, no matter how long a case may have been neglected, and as there is no general statute of limitation touching official bonds, the sureties of Dennis Murphy must obtain special relief from Congress or pay the penalty.

In this connection I respectfully invite attention to the fact that there are statutes prescribing limitations on suits against the sureties of certain classes of disbursing officers. For example, no suit on a United States marshal's bond can be maintained unless it be commenced within six years after the right of action accrues (section 786, Revised Statutes), and suit on the bond of a postmaster must be commenced within three years after the close of his accounts, otherwise the sureties are not liable. (Section 3838, Revised Statutes.)

A general statute of limitations on this subject is desirable.

Very respectfully,

WM. A. DAY, *Auditor.*

Hon. WM. L. WILSON, *House of Representatives.*

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 869.

# IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2283.]

*The Committee on Pensions, to whom was referred the bill (S. 2283) granting a pension to James Anderson, have examined the same and report:*

The claimant enlisted in Company B, Fourth New Hampshire Volunteers, October 6, 1863, and was transferred to the United States Navy April 27, 1864, whence he was discharged October 3, 1864. His claim was rejected by the Pension Office on the ground that his disabilities were incurred prior to enlistment, while in the merchant service.

He alleges that during an engagement with the enemy, while on board the U. S. S. *Mackinaw*, he received a shell wound of the left leg, and that while the wound was still troubling him he, while repairing an awning, fell from the poop-deck to the main-deck and injured his spine, which injury resulted in partial paralysis of the back and a varicose condition of the veins of the legs.

He furnishes the evidence of the surgeon of the Fourth Regiment of New Hampshire Volunteers, to which regiment he formerly belonged, and also of several comrades, that he was considered a sound man previous to his transfer into the Navy. The hospital records show that he was admitted to the Norfolk Naval Hospital June 18, 1864, on account of pains in the back and lower limbs, and was discharged on certificate of disability October 4, 1864. But they state that the cause of disability was a fall received in the merchant service prior to enlistment.

The claimant is in sore need of the small pension this bill would entitle him to, and is a worthy object of special legislation; the examining board rate his disability at one-half. That he was considered sound when admitted to the Navy is to be presumed, and is shown; that he came out crippled is also shown by official records, and the reasonable conclusion is that his injuries were received in the service.

Your committee deem this case one to which a liberal equitable interpretation may with justice be applied, and recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 870.

# IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1888.—Ordered to be printed.

Mr. SPOONER, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill H. R. 4909.]

*The Committee on Claims, to whom was referred the bill (H. R. 4909) for the relief of the estate of C. M. Briggs, deceased, have had the same under consideration, and respectfully report:*

That in April, 1862, Charles S. Morehead, ex-governor of Kentucky, resided at Louisville, in that State, and that C. M. Briggs, the deceased claimant, also resided at Louisville.

Morehead and Briggs had been partners in the practice of the law, and the latter was in August, 1862, largely the creditor of the former, for money loaned, indorsements paid, partnership moneys used by said Morehead beyond his share, moneys advanced in paying indorsements made for Morehead, and the said Briggs was, moreover, contingently liable on indorsements then existing. The amount of the indebtedness is not shown, although it is stated in the affidavits before the committee to have been "many thousands of dollars."

Morehead owned in 1862, and had owned for some time prior thereto, two plantations in the county of Washington, near Egg's Point, Mississippi, on which in 1862 was a crop of cotton. In this condition of affairs Morehead executed and delivered, on April 18, 1862, to C. M. Briggs the following instrument:

> For and in consideration of money loaned and advanced heretofore by C. M. Briggs, and further valuable considerations, by way of suretyship for me by said Briggs, I hereby sell and transfer to said C. M. Briggs all of the cotton on my two plantations in Mississippi, near Egg's Point and Greenville. Said cotton so sold embraces all that I may have, baled and unbaled, gathered and ungathered. This is intended to cover all cotton that I have now, or may have this year, on said two plantations, supposed to be about two thousand bales.
>
> C. S. MOREHEAD.

This paper itself, and the affidavits before the committee, may perhaps be fairly said to leave it an open question whether it was intended as an absolute sale to Briggs of the cotton, free of all equity of redemption in Morehead, or was intended to be a security for advances theretofore made and liabilities theretofore incurred by said Briggs by his indorsements for the benefit of said Morehead, and then existing, out of which the said Briggs was to re-imburse himself, rendering, that done, the surplus to Mr. Morehead. The quantity of cotton, the utter indefiniteness as to the amount due from Morehead to Briggs, together with the fact that part of it was only by way of contingent liability, tend very strongly to show that the transfer was for purposes of security;

but whether an absolute sale, or as security only, is quite immaterial in the view taken by the committee as to the justice of the claim of Briggs upon the cotton and its proceeds, to the extent at least of the advances made at the date of the instrument, and thereafter paid by Briggs for Morehead.

Ex-Governor Morehead (who died about 1869), the committee is satisfied, so far as it has any information upon the subject, was a disloyal man at the time this instrument was executed, and afterwards. He was arrested by the Government and confined in one of the prisons; but loyal or disloyal, the committee know of no reason why he was not competent in law to own the cotton, and to make a valid assignment of it to Briggs, either absolutely in payment of a debt, or by way of security.

The staunch loyalty of Briggs to the Government from the beginning of the war is abundantly vouched by men distinguished for service to the Union. General Rousseau, ex-Attorney-General James Speed, W. D. Gallagher, and Joseph H. Humes, late paymaster United States Army, vouch for his loyalty, and among the papers is found a letter, of date February 20, 1863, to Hon. Salmon P. Chase, Secretary of the Treasury, from George D. Prentice, in which it is stated—

> Mr. Briggs is perfectly reliable, and you may be assured that no trust confided to him will be abused or transcended. He is and always has been a devoted Union man. If any reference be necessary, I would suggest that the Hon. J. J. Crittenden and Hon. Henry Grider have known him since boyhood.

The said Briggs made repeated attempts to obtain the cotton, but was prevented by military orders and the then condition of affairs.

On the 7th day of March, 1863, under orders from General Grant, Captain Osband, of the Fourth Illinois, with three steamers, proceeded to Worthington's Landing, directed to capture cotton and forage for the use of the Army, and at such landing he seized 2,180 bales of cotton, the property of divers people, loaded it upon the steamer *Empress*, and carried it to Memphis, Tenn., where it was by proper authority turned over to Capt. G. L. Fort, assistant quartermaster of the United States, and by him sold, and the net proceeds paid into the Public Treasury under the act of March 12, 1863, to be held by the Government in trust for the owners.

In the cotton seized and sold were 455 bales of the cotton grown on the Morehead plantations, and embraced in the bill of sale to Briggs.

Other owners of the cotton taken at the time who have presented their claims have been paid.

Congress, by acts of March 12, 1863, and July 2, 1864, conferred jurisdiction upon the Court of Claims to entertain suits of loyal owners for the proceeds of captured and abandoned property, but the legislation made it a judisdictional fact that any such suit should be brought within two years.

It is alleged, on behalf of the deceased claimant, and there is an affidavit by him in the papers before the committee, that he did not know until after the expiration of the two years that the cotton had been captured and sold by the United States and the proceeds covered into the Treasury, and therefore that he had a claim against the Government under that act. The statement in the affidavit is believed by the committee, not simply because of the attested character of Mr. Briggs, but from the corroboration found in the public knowledge of the then condition of affairs, which may well have rendered it impossible for Briggs to ascertain what had become of his cotton, and from the further fact that being a lawyer, and a loyal man, it is hardly to be be-

lieved that he would have permitted the statue of limitations to bar him had he known of the facts which opened to him the remedy given by the acts of Congress.

In 1868 he presented his claim to Congress, before which it has been since pending. This claim has been repeatedly reported adversely, once by the Judiciary Committee of the Senate, at the first session of the Forty-second Congress; again by the Committee on Claims, at the first session of the Forty-fourth Congress, Report 128, and again by the Committee on Claims, at the first session of the Forty-fourth Congress, Report 372. The bill was reported favorably by the Committee on War Claims of the House of Representatives at the present session of Congress.

The committee can see no good reason why the Congress of the United States should not, under the circumstances, remove the bar of the statute of limitations, and enable the legal representatives of the deceased claimant to establish, if they may be able so to do, the ownership, absolute or qualified, by said Briggs of said cotton, and his consequent interest in the proceeds, his loyalty being made a jurisdictional fact.

This property was not confiscated, and the Supreme Court of the United States has decided that the title was not divested by the seizure, and that the Government holds it, or the proceeds, in trust for loyal claimants.

If Briggs had known the fact, and could have established his ownership of the cotton under the acts of Congress of 1863 and 1864, he could have, of course, recovered the proceeds, or such part thereof as the court found him entitled to. Lapse of time has not, except technically, made any change in the title to the proceeds. If the bill should become a law, and the legal representatives of Briggs shall be able to establish his loyalty and his absolute ownership of the 455 bales of cotton, of course they will be entitled to recover the entire proceeds of that cotton. If, on the other hand, it should turn out that the transfer to Briggs was colorable and a make-shift to enable a disloyal man to save to himself, through the use of the name of a loyal friend, his property, that ends the case, and the money remains in the Treasury. If it should be found by the court that Briggs was loyal, that Morehead was indebted to him, and that the assignment of the cotton was as security only, then the judgment should be in favor of the estate of Briggs for so much of the proceeds of the cotton as will pay the debt for which it was security, and the surplus, if any there shall be, will remain in the Treasury.

The committee reports the bill back, with the recommendation that the same do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 871.

# IN THE SENATE OF THE UNITED STATES.

APRIL 9, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1401.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1401) to remove the charge of desertion from the military record of D. Thomas Andrews, have examined the same, and report as follows:*

The following extract from a letter of the Adjutant-General, dated February 4, 1888, would seem to show that this bill was introduced under a misapprehension:

D. Thomas Andrews was enrolled as a private in Company B, Fifty-third Wisconsin Volunteers, March 11, 1865. This company became Company H, Fifty-first Wisconsin Volunteers, in June, 1865, and Andrews was mustered out with it at Camp Randall, Madison, Wis., August 16, 1865. No charge of desertion appears of record against him as of Company B, Fifty-third Wisconsin Volunteers, or of Company H, Fifty-first Wisconsin Volunteers, on file in this office.

It thus appearing that there is no necessity for the passage of this bill, its indefinite postponement is recommended.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 872.

# IN THE SENATE OF THE UNITED STATES.

APRIL 9, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 193.]

*The Committee on Military Affairs, to whom was referred the bill (S. 193) for the relief of John H. Sayers, have examined the same, and report as follows:*

Your committee have been furnished with no other evidence to sustain this bill excepting a letter from the Adjutant-General, dated February 4, 1888, from which it appears that John H. Sayers was enrolled August 13, 1862, and was mustered into service as captain of Company H, Twenty-sixth Michigan Volunteers, September 25, 1862. The records of the office fail to show that he ever rendered any service or was recognized as an enlisted man in said regiment.

The case therefore failing of proof, the indefinite postponement of the bill, without prejudice, is recommended.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 873.

# IN THE SENATE OF THE UNITED STATES.

APRIL 9, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill H. R. 108.]

*The Committee on Military Affairs, to whom was referred the bill (H. R 108) for the relief of John C. Weaver, report as follows:*

This measure was reported favorably by the Committee on War Claims of the House of Representatives of the Forty-ninth Congress, and also by the same committee in this Congress.

Their former report, which is adopted as the report of your committee, is as follows:

[House Report No. 3423, Forty-ninth Congress, first session.]

*The Committee on War Claims, to whom was referred the bill (H. R. 5949) for the relief of John C. Weaver, having considered the same, respectfully report:*

The claimant was drafted into the military service of the United States September 29, 1864, under the President's call, dated July 18, 1864, for 500,000 men for the term of one year, from Wabash Township, Clarke County, Eleventh Congressional district of Illinois; examined, accepted, and held to service by the board of enrollment of said district November 12, 1864; sent to and received at draft rendezvous, Camp Butler, Springfield, Ill., November 22, 1864; assigned and forwarded to the Fiftieth Regiment Illinois Volunteers December 2, 1864; delivered at headquarters Provisional Division of the Cumberland, Nashville, Tenn., December 8, 1864. He was mustered out and honorably discharged (a private, Company F) July 18, 1865.

Immediately upon being so drafted, and as soon as the claimant reached Springfield, Ill., he procured one William Matheney to go as his substitute, and paid said Matheney for going into the military service of the Government as such substitute for said claimant the sum of $600.

It appears from the records of the War Department that William Matheney was enlisted December 6, 1864, for one year as the substitute for John C. Weaver; that he was accepted by board of enrollment of said district, sent to and received at draft rendezvous, Camp Butler, Illinois, December 6, 1864, assigned and forwarded to the Fifty-third Regiment Illinois Volunteers December 9, 1864, and delivered at headquarters Provisional Division of the Cumberland, Nashville, Tenn., December 13, 1864. He was mustered out and honorably discharged with his company (C) July 22, 1865.

The evidence clearly shows the claimant was compelled to perform this service for the Government without any fault or negligence on his part, but solely through the mistake or fraud of the agents of the Government, and that he has never been repaid from any source any part of the said sum of $600, which he was compelled to expend in order to procure said substitute.

Your committee have no hesitation, under the facts, in recommending that said claimant be allowed and paid the said sum of $600, and accordingly report in favor of the passage of the bill.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 874.

IN THE SENATE OF THE UNITED STATES.

APRIL 9, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 304.]

*The Committee on Military Affairs, to whom was referred the bill (S. 304) to correct the military record of John Hinsmann, report as follows:*

This soldier, as appears by the records of the War Department, was enrolled February 29, 1864, at Covington, Ky., to serve three years, in Company G, Eleventh Kentucky Cavalry. There is no record that he was ever mustered into the United States service. On a muster-roll of the company, covering from February 29, 1864, to August 31, 1864, he is reported "deserted at Paris, Ky., March 5, 1864," and is similarly reported on the muster-out roll of the company.

It appears perfectly clearly from the testimony that about March 1, 1864, this soldier, with his company, left Covington to join the regiment at Mount Sterling; that when they were at Paris he was taken sick and deranged and was left at a farm-house; that when the ambulance came for him the next day he was gone, and when inquired for afterwards, the woman of the house said that he had left the house against her remonstrance and that she had heard that a soldier was found dead about 8 miles from the place on the day after he left her house. He has never returned to his family, and no person testifies to having seen him alive since he left the house. The prevailing belief in his company was that the man was out of his mind, and had wandered away from his company and been killed by bushwhackers. He was a man of good character; he enlisted from patriotic motives, and his family relations were all pleasant.

The passage of the bill is recommended.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 875.

# IN THE SENATE OF THE UNITED STATES.

APRIL 9, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs submitted the following

## REPORT:

[To accompany bill S. 586.]

This case was considered by the House Committee on Military Affairs during the first session of the Forty-ninth Congress. That committee made a favorable report, but it was not acted upon by the House.

The facts in the case are stated in the following letter from the Adjutant-General:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, April* 3, 1886.

SIR: I have the honor to return herewith House bill 5180, Forty-ninth Congress, first session, authorizing the removal of the charge of desertion against Asher W. Foster, late quartermaster-sergeant, Company G, Fourteenth Indiana Volunteers, transmitted by the chairman of the House Committee on Military Affairs, and in compliance with instructions to report as follows:

Asher W. Foster was enrolled June 7, 1861, to serve three years in Company G, Fourteenth Indiana Volunteers, and served therein until September 8, 1863, when he deserted, at New York City. On September 9, 1863, he enlisted at Hartford, Conn., under the name of William Dinguid, as a substitute for Harlan P. Bradley, and was sent forward to and joined Company B, Fourteenth Connecticut Volunteers, about September 25, 1863. On or about October 8, 1863, he was identified as a deserter from the Fourteenth Indiana Volunteers and returned to that regiment and placed in arrest until December 11, 1863, when he was released from arrest and returned to duty by competent authority. He re-enlisted as a veteran volunteer December 2, 1863; was transferred to Company B, Twentieth Indiana Volunteers, in May, 1864; promoted to regimental quartermaster-sergeant September 2, 1864, and served as such until July 12, 1865, when he was mustered out with that regiment.

In an application for removal of the charge of desertion against soldier, presented to this office in November, 1885, applicant (Foster) testified that the charge of desertion against him is an error; that he did not desert; that it was satisfactorily shown that he did not, upon his return to the Fourteenth Indiana Volunteers, in October, 1863.

The application referred to was denied by this office on the ground that his enlistment as a substitute September 9, 1863, without a discharge from the Fourteenth Indiana Volunteers, constituted him a deserter from that organization by operation of law (twenty-second, now fiftieth, Article of War), and the Department was, consequently, powerless to remove the charge.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

The offense of the claimant in deserting and afterwards enlisting in another regiment as a substitute was certainly a very grave one. But he was arrested; was returned to the regiment from which he deserted; was released from arrest and returned to duty by competent authority. This release from arrest was within a few days of the 2d day of Decem-

ber, 1863, when he re-enlisted as a veteran volunteer, and he was doubtless so released and returned to duty on account of such re-enlistment.

During his second term of service he was promoted to be quartermaster-sergeant, and was mustered out with his regiment July 12, 1865.

All these facts taken together show that the Government condoned the serious offense which this man had committed.

The passage of the bill is recommended.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 876.

# IN THE SENATE OF THE UNITED STATES.

APRIL 9, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 66.]

*The Committee on Military Affairs, to whom was referred the bill (S. 66) giving a military record to Thomas Miller, have considered the same, and beg leave to report:*

The committee find the facts to be as stated in Senate Report No. 75, Forty-ninth Congress, which said report is adopted, and is as follows:

That it appears from evidence submitted that Thomas Miller was recruited by Nelson McLaughlin, captain of Company M, Eighth Tennessee Cavalry, August 27, 1863, and served as a private until October 19, when leave of absence was granted to him. On his return to his command he was killed by the enemy, in November, 1863. As he had not been regularly mustered into the service his name does not appear on the muster-rolls, but the evidence shows that he had enlisted, and that he was killed while in the service.

In view of these facts the committee report the bill back to the Senate, and recommend its passage.

statement 3170, filed March 25, 1886, alleging settlement the 23d of the same month. This, however, will not prevent a reservation of the land for the purpose named.

As to the necessity of such a park in that portion of the State, I know nothing. But it is also true that I can see no good reason why the park should not be established; certainly there is nothing on the records of this office to prevent the land being used for that purpose. It is, however, a question for Congressional determination, whether or not the park should be established, but if the bill is to be favorably considered, provision should be made therein to remunerate all actual settlers on the land for any and all improvements they may have made thereon.

Very respectfully,

T. J. ANDERSON,
*Assistant Commissioner.*

Hon. WM. F. VILAS,
*Secretary of the Interior.*

The committee therefore recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 879.

# IN THE SENATE OF THE UNITED STATES.

APRIL 9, 1888.—Ordered to be printed.

Mr. TELLER, from the Committee on Public Lands, submitted the following

# REPORT:

[To accompany bill H. R. 671.]

*The Committee on Public Lands, to which was referred the bill (H. R. 671) for the relief of the heirs of John S. Fillmore, having examined the same and accompanying papers, make the following report:*

The facts are properly stated in the House report, No. 485, of the Fiftieth Congress, first session, which is as follows:

The committee find the facts to be as stated in House report No. 2298, Forty-ninth Congress, first session, which said report is hereto annexed and made part of this report, and is as follows:

"The lands mentioned in the bill are located in the city of Denver, in the State of Colorado. During the Territorial condition of said State said John S. Fillmore conveyed said lands to the United States of America for the purpose and upon the condition that the same should be occupied as a post-office, which condition has never been in any part performed by the Government, but, upon the contrary, the Government has clearly indicated that it does not intend to occupy said lots for the purpose for which said grant was made, it having constructed and is occupying a building for a post-office located on ground situated some distance from said lots in the city of Denver. Since said conveyance said John S. Fillmore has died, leaving a widow and children.

"The bill provides that the interest which the United States acquired under said deed to said lots be relinquished to and vested in the persons who, by the laws of Colorado, would have been entitled thereto at the date of the death of said Fillmore had said deed never been made, and to their heirs and assigns forever.

"Your committee recommend the passage of the bill."

The committee therefore adopt said House report as the report of this committee, and report the accompanying bill for their relief, with the recommendation that it do pass.

In addition to the above, the committee further report that a bill of like character passed the Senate at a former Congress as well as the House, and at that time had the approval of the Secretary of the Interior, who was personally acquainted with the facts in the case.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 880.

# IN THE SENATE OF THE UNITED STATES.

APRIL 9, 1888.—Ordered to be printed.

Mr. TELLER, from the Committee on Public Lands, submitted the following

# REPORT:

[To accompany bill S. 2316.]

*The Committee on Public Lands, to whom was referred the bill (S. 2316) restoring the right of pre-emption to Jesse A. Corn, having had the same under consideration, report:*

The bill having been submitted to the Secretary of the Interior for a report thereon, he sends to the committee the following letter:

DEPARTMENT OF THE INTERIOR,
*Washington, April* 4, 1888.

SIR: I am in receipt of your letter of the 30th ultimo, transmitting copy of Senate bill 2316, requesting the views of this Department thereon.

Said case is now pending before the Department on the appeal of Jesse A. Corn from the decision of the Commissioner of the General Land Office, rejecting his right of pre-emption to the northeast quarter of northeast quarter and northeast quarter of northwest quarter section 30, and southeast quarter of southwest quarter and southwest quarter of southeast quarter section 19, township 51 north, range 10 west, Gunnison, Colo., upon the ground that said claimant had exhausted his pre-emption right.

It appears from the record that Corn made the prior filing referred to, but pleads by way of excuse the following: That he settled upon and improved 40 acres of land on the Arkansas River, in Fremont County, Colo., about 12 miles below Cañon City (the tract last above described), in April, 1874, there being no other vacant land then adjoining said tract; that he proceeded to build a ditch for the irrigation of said land to the value of $800, a log house for residence purposes valued at $100, a barn valued at $50, a smoke-house valued at $100, fencing valued at $200, and also did clearing on said land to the value of $300, the total value of said improvements amounting to $1,550; that afterwards, to wit, in July and September, of 1875, the Arkansas River completely flooded said tract of land, covering the same in places to a depth of from 6 inches to 3 feet; that his crop was completely ruined thereby, and his house was in great danger of being washed away, thereby endangering the lives of himself and family; that having been advised by several of his neighbors to remove from said land on account of said overflow, and because of the danger attendant to his living there, on or about January, 1876, he relinquished his pre-emption filing to said tract, sold his improvements at a great sacrifice.

Believing, as he states, that he had a right to make a second filing, inasmuch as he had never proved up on the first tract, he filed for his present claim November 6, 1884, alleging settlement May 1, and offered final proof on the same February 12, 1887, showing a continuous residence on the part of his family. He himself lived on the land continuously from date of settlement, with the exception of absences of three months during the threshing season of each of the years 1884, 1885, and 1886, but returned to his family nearly every week, who continued to reside on the tract.

The claimant has made valuable improvements on this land, amounting in value to about $2,500, including the buildings, fencing, ditching, leveling, and clearing the land, and has evidently acted in good faith, but in ignorance of the law.

As the claimant exhausted his pre-emption right under section 2261, Revised Statutes, with his filing in 1874, the Department is powerless to relieve this pre-emptor, but as the equities are so strong in his favor, I am of the opinion that the bill should be passed for his relief.

Action upon this claim will be suspended until Congress disposes of the bill.

Very respectfully,

WM. F. VILAS,
*Secretary.*

Hon. P. B. PLUMB,
*Chairman Committee Public Lands, United States Senate.*

The committee therefore recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 881.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1966.]

Conrad Schmidt enlisted in Company K, Second Regiment United States Cavalry. Enlisted December 5, 1863, and was discharged December 5, 1866. He made application for pension November 29, 1872, alleging disability from "pistol-ball wound of head, cutting the upper lip, knocking out four teeth, passed through the tongue, received in action near Front Royal, Va., September 23, 1864."

This claim was established to the satisfaction of the Pension Bureau. and claimant was pensioned and paid at the rate of $8 per month, commencing November 29, 1872. Arrears were subsequently allowed, and he was paid from December 6, 1866, date of discharge, to November 28, 1872, the date on which pension was allowed originally. He has made numerous applications for increase, most of which have been rejected; but the record shows that it was increased in the mean time from $8 per month to $12 per month, and on June 20, 1884, to $16 per month, the rate he is now receiving.

The Commissioner of Pensions insists this is the full amount allowed by the laws for this disability. The claimant, on the other hand, alleges his total inability to perform manual labor, and, in a communication, claims scurvy as a result of his decayed teeth.

The committee are of the opinion that the evidence is not sufficient to grant an increase, and therefore move the indefinite postponement of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 882.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1746.]

John Wilson, claimant under this bill, enlisted August 25, 1862, in Company K, Second Regiment Pennsylvania Heavy Artillery, and was discharged July 13, 1865. On June 17, 1880, he made application for pension, alleging that he contracted a cold which settled on his lungs, resulting in phthisis, at Washington, D C., November 20, 1862, also varicocele, contracted July 25, 1864, while riding hard, carrying a dispatch from Washington, D. C. That part of his claim for disease of lungs was admitted by the Commissioner of Pensions, and he was paid a pension of $4 per month, commencing July 14, 1865, and at the rate of $8 per month, commencing September 30, 1881, which amount was subsequently increased to $12 per month, the amount he is now receiving for that disability. The claim for varicocele was rejected by the Commissioner of Pensions August 15, 1885, on the ground of "no record, and the inability of claimant to prove that it originated in the service and line of duty."

The Adjutant-General reports the claimant transferred to Company F, Sixteenth Regiment Veteran Reserve Corps, February 26, 1865.

The claimant alleges that while carrying a dispatch to General Putnam, provost marshal, his horse stumbled, throwing him forward on the saddle and causing varicocele of left side; * * * that no one was present when injured.

William A. West swears that he—

met claimant in Washington, D. C., in the fall of 1864; that claimant then told him he had been injured bodily by carrying a dispatch during the previous summer. * * * Said he thought he was ruptured by being thrown on the fore part of his saddle. * * * Undressed far enough to show affiant his testicles, who, upon examination, found that he had varicocele of left testicle.

Isaiah Barber swears that he saw the injured part a few days after return of claimant from the Army. * * * His privates were all right prior to enlistment. Had often seen them. Had been in bathing with him.

Dr. George Haldeman states that claimant has varicocele. Amos Porter, M. D., examining surgeon, Paola, Kans., reports disability from "varicocele tumor" at one-half total.

The board at Ottawa, Kans., makes no rating for varicocele.

Your committee incline to the opinion that the papers presented warrant no increase in this claim on account of varicocele; therefore report the bill adversely, and move its indefinite postponement.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 883.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 6759.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Mary Robinson, have examined the same, and report:*

This bill passed the House on the 30th of March. The House report is adopted, and is as follows:

Mary Robinson was the mother of Andrew J. Robinson, late a member of Company C, Eighth New York Cavalry.

The evidence shows that the son, Andrew, enlisted and was enrolled September 10, 1861, as a private in Company C, Eighth New York Cavalry, for three years. That he was killed in action near Amosville, Va., November 10, 1862, aged twenty years. The soldier was never married. He left surviving him his parents, Mary Robinson and Luther S. Robinson, her husband, who has since died.

Mrs. Robinson applied for a pension June 12, 1880, which was rejected on the ground only that the mother was not dependent upon her son at the time of his death. The evidence also shows that the son sent money to his parents while in the service.

It also appears that Mrs. Robinson is now and has been for years poor and without means for her support, and the committee believe that this comes clearly within the rule that dependent mothers whose sons were killed in action, and who are now poor and needy, should receive this just acknowledgment of the sacrifices they have made.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 884.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 5118.]

*The Committee on Pensions, to whom was referred the bill (H. R. 5118) granting a pension to Theodore Gardner, have examined the same, and report:*

This bill was passed by the House on the 30th of March. The House report is adopted, and is as follows:

Claimant, who was a sergeant in First Kansas Battery, is now receiving a pension at rate of $8 per month, by virtue of a special act of Congress approved June 18, 1878, for double scrotal hernia. The rate having been fixed by the special act, the Pension Office declines to entertain any application for an increase. The soldier's right to a pension having been admitted by the passage of the special act, it would seem simple justice that he should receive the same pension as his comrades who are suffering from the same disabilities.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 885.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 6812.]

*The Committee on Pensions, to whom was referred the bill (H. R. 6812) granting an increase of pension to Stephen Thurston, have examined the same, and report:*

This bill passed the House on the 30th of March. The House report is adopted, and is as follows:

Claimant was a private in Company G, First Maine Heavy Artillery, and was wounded by two rifle-balls in the thigh at the battle of Petersburgh, Va., July 18, 1864. In consequence of the wound the leg became shriveled and entirely useless, and also gangrenous. From the time of his discharge he has been compelled to use two crutches. A medical examination on January 19, 1865, is as follows:

"Applicant is totally disabled by gunshot wound of right thigh; gangrene destroyed nearly all the fleshy part of posterior portion of thigh; the leg is permanently flexed upon the thigh; he is much prostrated, etc."

Other medical examinations from time to time revealed the fact that the use of the leg was wholly and permanently lost.

The following recent medical certificates are filed with your committee:

BELFAST, ME., *February* 14, 1888.

This is to certify that I have this day examined Stephen Thurston, formerly Company G, First Maine Heavy Artillery, and find that the right leg is in such condition from wounds received while in the service of the United States as to place him upon the pension list rated as an amputation at middle third of femur. The condition of the limb is such from the effects of gangrene that it is useless, and no suitable stump could be made for the support of an artificial limb. I consider his condition worse than one of amputation of the thigh. I am disinterested.

HORATIO H. JOHNSON, M. D.

STATE OF MAINE, *Waldo, ss:*

Subscribed and sworn to before me February 18, 1888.

[SEAL.] WM. H. FOGLER, *Notary Public.*

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This certifies that I have this day examined Stephen Thurston, formerly Company G, First Maine Heavy Artillery, and find his right leg useless from wounds received while in the service of the United States. The present condition of the limb is such, from the effects of gangrene, that no suitable stump could be made for the support of an artificial limb. In my opinion his condition is worse than amputation of the thigh. I have no interest in the claim.

G. C. KILGORE, M. D.

BELFAST, ME., *February* 17, 1888.

STATE OF MAINE, *Waldo, ss:*

Subscribed and sworn to before me February 18, 1888.

[SEAL.] WM. H. FOGLER, *Notary Public.*

In addition to the above, a petition signed by the coun ty treasurer, the judge of probate, judge of police court, the collector of taxes, the editor of the local newspaper, and a large number of lawyers, merchants, manufacturers, and other business men, citizens of Belfast, Me., is in the hands of your committee, setting forth the merits of this case, and urging that the increase of pension be granted.

Claimant is now receiving a pension of $36 per month, which is the full amount that can be allowed under the pension laws; but it is evident that this case is one that Congress can properly take cognizance of. It is conclusively shown that the leg is utterly worthless, and that, even if amputation should be resorted to, the tissues have been so completely destroyed by gangrene that it would be impossible to wear an artificial limb. This fact makes the disability clearly equal to that for which $45 is allowed under the general law.

**The bill is reported favorably, with a recommendation that it do pass.**

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 886.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2233.]

*The Committee on Pensions, to whom was referred the bill (S. 2233) granting a pension to William P. Madden, having examined the same, report:*

William P. Madden, the claimant, enlisted in Company I, Sixth Regiment United States Infantry, April 29, 1851, and was discharged April 29, 1856. On April 18, 1884, he made application for pension, alleging that while at Fort Kearny, Ind. T., on July 4, 1854, he incurred deafness of right ear by firing a cannon salute; and taking cold in said ear caused total deafness. Also contracted lung and liver disease while guarding the mail between Fort Kearny and Fort Laramie during the winter of 1854 and spring of 1855, and at the battle of Ash Hollow in September, 1855.

George Freiderich and William Mealy testify to prior soundness and to incurrence of disability as alleged. William Mealy in a subsequent affidavit states that he was a comrade and personally sure that claimant incurred his disability in the line of duty, while in the United States service, and that he is more or less disabled ever since. Dr. John S. Hidden testifies that he prescribed for claimant in the spring of 1863 for chronic bronchitis and congestion of the liver, and continued to prescribe for him at various times up to 1870; that during the seven years he was disabled one-half. Dr. G. L. Nichols swears that he has treated claimant more or less for twelve years for chronic congestion of the liver and kidneys, also for heart disease, which has become very troublesome; disabled 25 to 30 per cent. for manual labor.

William Hunton swears that he first prescribed for claimant in 1879 "for chronic constipation, * * * claimant can do some manual labor, but is not physically able to do much." Dr. A. B. Anderson prescribed for claimant in 1879 for congestion of the stomach and liver. Dr. C. A. Cole testifies similarly to Dr. Anderson.

The board of surgeons at Marysville, Kans., rates him at one-half total for deafness of left ear, and three examinations made by the same board make same rating, one-half total.

A. M. Legg, special examiner, "doubts the merits of the claim," but recommends further examination.

George W. McKean, special examiner, "doubts merits of claim, but recommends further examination."

J. W. Burnett, special examiner, recommends rejection of claim as "having no merit from its start," which was approved by the Commis-

sioner of Pensions, and on October 7, 1886, the claim was rejected on the ground of no record evidence of the alleged deafness, disease of lungs and liver, and the claimant's inability, after a special examination of the claim, to produce satisfactory testimony connecting said disabilities with the service and line of duty.

Your committee, after weighing carefully all the facts in connection with this case, are of the opinion that the claimant should be pensioned, and therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 887.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2008.]

*The Committee on Pensions, to whom was referred the bill (S. 2008) granting a pension to Cyrus Tuttle, having examined the same, report:*

Cyrus Tuttle first enlisted in Company G, Third Kansas Infantry; discharged August 7, 1862; re-enlisted in Company D, Fifteenth Regiment Kansas Volunteer Cavalry on the 15th day of August, 1863, and was discharged October 15, 1865.

He made application for pension August 19, 1884, alleging in his declaration that he contracted chronic diarrhea at Fort Larned, Kans., August, 1865. The claim was rejected by the Commissioner of Pensions, November 19, 1884, on the ground of "no pensionable degree of disability from cause alleged since date of filing claim." The claimant swears that he is unable to furnish the testimony of physician who first treated him when discharged from service in 1865, for the reason that the physician is dead.

A. P. Brown, neighbor, swears—

> That he saw claimant when he came home in 1865 and he was in bad health and said he had chronic diarrhea, and saw him often until 1876, when he left. * * * Came back in 1880; he was still very much debilitated; was not able to do manual labor when he left in 1876, nor since his return in 1880.

This affidavit was filed October 20, 1884.

Jonathan Ruble, neighbor, swears that he saw claimant on his way home from the Army; he was sick, and said his disease was chronic diarrhea; have seen him often since his return; he was unable to work. This affidavit was made in 1884.

Dr. J. V. Mott was "called to treat him in 1884, and found him suffering from a very severe attack of diarrhea, and that he has not been able to work much since."

The board at Fort Scott, Kans., reports no disability from chronic diarrhea.

The claimant is now over seventy-one years of age; is in very destitute circumstances, being practically supported by a daughter, who takes in washing and does needle-work. His only income is $5 per month, which he receives as janitor of the public-school building at Fontana, Miami County, Kans.

Accompanying the bill is a numerously signed petition from citizens of Linn and Miami Counties, Kans., praying that he be pensioned, and setting forth the good habits and character of the soldier and claimant.

In view of all the facts, your committee are inclined to the opinion that he should be pensioned; and therefore recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 888.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2106.]

*The Committee on Pensions, to whom was referred the bill (S. 2106) granting a pension to William Kelsey, having examined the same, report:*

William Kelsey, the claimant in this case, has served in the Armies of the United States as follows: From September 1, 1847, to September 28, 1848, as a private in Captain Griffin's Company A, Gilpen's Indian Battalion Missouri Mounted Volunteers, and from November 5, 1861, to December 29, 1863, as a private in Company G, Sixth Regiment Kansas Volunteer Cavalry, in the war of the rebellion.

On August 9, 1878, he made application for pension, alleging as the basis of his claim that he contracted, about November 1, 1862, at Cove Creek, Arkansas, sciatic neuralgia, and about December 20, 1862, in the General Hospital at Fort Scott, Kans., erysipelas.

The claim for sciatic neuralgia was allowed and the claimant pensioned at the rate of $4 per month. The claim for erysipelas was rejected June 23, 1885, on the ground that there was "no evidence of existence of disability, in a pensionable degree, at any time since discharge."

The certificate of disability on which the claimant was discharged states "that he is unfit for the performance of the duties of a soldier because of *neuralgia and erysipelas.*" Prior soundness is established; origin in the service is admitted. As to continuance, Dr. Thomas Donaho swears that he was his family physician from 1858 to 1867. * * * Treated him after his discharge for neuralgia and erysipelas. His neighbors, whose reputations for veracity are unquestioned, swear to an intimate acquaintance with claimant. * * * That after his discharge in 1863 he has suffered with neuralgia and erysipelas. * * * In 1865, and again in 1869, he was confined to his house and bed by neuralgia and erysipelas, the latter lasting nearly four years. * * * Also in 1876 for about five months. * * * Has suffered almost continuously since 1863, and is unable to perform manual labor of any kind.

The board at Leavenworth make no rating for erysipelas in their report of November 12, 1884, nor do they mention erysipelas in their report of examination for increase of pension, made February 10, 1886. Nor does the board at Atchison, Kans., March 9, 1887; neither does the board at Kansas City, Mo., December 17, 1887.

From a review of the case, your committee incline to the belief that erysipelas was contracted as alleged, and that he should be pensioned therefor. That he is now over seventy-three years of age and would be entitled to a pension of $8 per month for his services in the Mexican war. They therefore recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 889.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2089.]

*The Committee on Pensions, to whom was referred a bill for the relief of Mrs. Elizabeth White, have examined the same, and report:*

The claimant is the mother of Charles H. White, late of Company K, Seventeenth Regiment of Iowa Volunteers. The son died at Saint Louis, May 4, 1862, only a very short time after he was mustered into the service. He was a mere youth when he enlisted, only sixteen years of age, too young and insufficiently developed for a soldier's hard duty; nevertheless he was accepted and sent to the front, with the speedy fatal result revealed by the record.

The simple history of the case is that prior to his enlistment the son lived at home with his father, and that together they worked a small farm. After the death of the son the father struggled alone, borrowed money from time to time to eke out a support, and finally his indebtedness accumulated to such an extent that he sold his property, the proceeds of which were absorbed in satisfying a mortgage and other obligations. For years the father had heart disease and other infirmities, some of which are traced back to 1863. His disabilities increased, rendering him helpless for years as a provider, and finally he died, leaving his widow old and poor. Dr. Russell, of Monticello, Iowa, treated him from 1862 to 1870 for valvular heart disease. He suffered much and was obliged to keep quiet. He kept no record except a day-book, and these were destroyed from year to year, but he identifies his treatment and dates by incidents.

Dr. Millette knew him twenty years. He was troubled with valvular disease of heart. The first he knew of it professionally was four or five years before his death; but Mr. White told him he had been troubled with it a number of years, and the doctor remembers of hearing, for the last dozen years or so, that he had occasional fainting spells. Has indistinct recollection that he had kidney disease. This he delivered to the special examiner. In a direct affidavit he says: "Prior to 1868 I knew little of his physical or financial condition."

M. L. Carpenter, banker, of Monticello, says what land he owned was very poor. He borrowed money of him to live on. His credit was good because he was honest. The banker bought the farm, and paid the larger portion of the purchase-money with offsets. This is to the special examiner. In a direct affidavit he says: "After paying off his mortgage he had nothing left. Thirteen years he knew him to be failing in strength. The produce of his farm, after paying interest, was not

sufficient to support himself and his wife, and in order to support them in a frugal way he had to encroach upon his property." He goes on to say that after paying interest and taxes they would have only $50 left. They were quite poor.

There is some discrepancy in the direct testimony and that delivered to the special examiner, but it is a well-established fact from the evidence produced that the mother was dependent in the strict sense of the term, and that in later years she has suffered much because her dependence has not been recognized by the source from which relief should have come.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 890.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2137.]

*The Committee on Pensions, to whom was referred the bill for the relief of Rosaloo Sage, have examined the same, and report:*

The claimant was late a member of Company A, Eighth Iowa Infantry. He enlisted September 5, 1861, and was discharged June 3, 1863. He applied for a pension August 22, 1883, and the long interval between his discharge and the filing of his application is referred to as a prejudicial circumstance. It may be as well to mention here a fact that is well known to the public, which is that hundreds of soldiers defer their applications until their growing disabilities and actual poverty compel them to apply for relief to a source from which they know they will encounter numberless obstacles, long delay, if not final rejection, and the alternative of an appeal to Congress.

The evidence in this case is principally the product of special examinations, and even under this critical process there appears nothing prejudicial to, but everything in favor of the claim.

Nearly all of the witnesses testify that prior to his enlistment he was in good health, and a strong, active man; that even after his discharge he was in poor health. The organization to which he belonged participated in the engagement at Pittsburgh Landing. Mr. D. P. Meredith, a merchant at De Witt, Iowa, was one of his comrades. He became acquainted with claimant after their enlistment. They were in the same mess. He has no recollection of his being sick until they arrived at Pittsburgh Landing, about the last of March, 1862. He thinks his disease was diarrhea, which was prevalent from the effect of bad food. He remembers that claimant was in the ranks the first day of the battle. Affiant was taken prisoner.

J. C. Wilkes testifies to having known claimant since 1855, and says he was in good health until after his discharge, when he was in bad health. They were neighbors and he saw him every day. He does not think he ever had good health after he left the Army.

Referring to the bad food which the men had to subsist on, Alfred B. Smith tells the special examiner that they had to grind the screenings of wheat and make bread from the flour, which, with bad beef, made the men sick. The claimant was under the doctor's care half the time.

Another comrade testifies that at a place called "Pancake Hollow" they lived on "slapjacks," made of musty flour, the product of spoiled wheat.

Thus the foundation of his sickness is explained. He contracted chronic diarrhea, which, in the progress of years, developed into alternate constipation and looseness. Heart disease ensued, and its existence is recognized by the examining surgeons. The Pension Office is unable to trace the connection. The doctors admit that the irregularities of the heart are not so great when constipation gives way to diarrhea. There can be no doubt that chronic constipation interferes with the regular and healthy action of the heart, which, in aggravated cases, causes prostration and ultimate death. It is affirmed by all the affiants that this man is trusty, truthful, and in every respect of good report. He was industrious and struggled hard to avoid coming to want and the alternative of applying for a pension by working a little at his trade of carpenter.

It is possible that if he could have lived at his ease, free from the care and anxiety his poverty imposed, he would not have been so physically helpless as he is now. It is not to be turned against him that he so long resisted the resource to which he is at last driven. Special Examiner E. D. Godfrey thus closes his report:

> From the examination of the evidence on file at this date (June 16, 1887), I am of the opinion that it is sufficient to warrant the admission of the case without further examination.

Beyond any doubt his sickness, suffering, present prostration, and poverty are chargeable to the Government. The committee concur with the special examiner and report the bill favorably with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 891.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 888.]

*The Committee on Pensions, to whom was referred the bill (S. 888) granting a pension to Mercy A. Cutts, have examined the same, and report:*

The claimant petitions for a special act granting her a pension as the mother of Enoch F. Cutts, who was a private in Company A, Thirty-first Regiment of Maine Volunteers. He enlisted, as shown by the report of the Adjutant General, on the 29th of February, 1864, and died while a prisoner of war at Danville, Va., February 15, 1865. The father made application for a pension in 1867, and filed evidence in support of his claim. The file does not show any action by the Pension Office except the indorsement of the single word "Rejected." The Pension Office letter transmitting the papers says no application for a pension has been filed by the mother. Referring to the father's application, it says he was rejected "on the ground that he was only an adopted son."

The evidence shows that Enoch F. Cutts was adopted by Enoch B. Cutts and his wife, Mercy A. Cutts, when he was an infant one year old; that he took their name of Cutts, and was called Enoch, after the father; that he was brought up as their child; that the obligations incurred by the relationship were mutually observed; that before he enlisted he gave them his earnings; that after he enlisted he contributed to their support liberally from his Army pay. On this point there are numerous letters from the son. One of these letters only is quoted to show how he regarded the relationship. He says:

> DEAR PARENTS: I wrote home over a week ago and have received no answer, and now I will try it again. I don't find any fault, you know, for if father was home he would write. I am afraid you are sick and can't write. Charlie got a letter a day or two ago and said you was some better. I hope you are quite smart now. I am quite anxious to hear from home, and so you must contrive to write as soon as you receive this or get Florence to. * * * I sent home $65 in care of L. D. Andrews. I should have sent more but I used some. * * * Tell father not to work too hard.
>
> I remain, as ever, *your affectionate son*,
>
> ENOCH F. CUTTS.

There can be no question as to the relationship, legally, and as recognized by the parties. It is shown that the father, on account of his infirmities, needed, and was entitled to, the pension for which he applied.

The mother, having knowledge of the grounds of rejection of her husband's claim, made no application to the Pension Office, but appeals to Congress. Her petition describes the relationship, and it is supplemented by an appeal from numerous neighbors, who describe her worthiness, her advanced age, and consequent need.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 892.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2105.]

*The Committee on Pensions, to whom was referred the bill (S. 2105) granting an increase of pension to Joseph Verbisky, have examined the same, and report:*

The claimant under this bill enlisted in the regular Army of the United States as a private in Company I, Second Regiment of Infantry, on the eighth day of October, 1851, and was honorably discharged January 18, 1853. He was pensioned October 8, 1853, from January 18, 1853, "for amputation of left arm and fracture of right wrist," which has been increased at sundry times until the present, and he is now in receipt of $36 per month. He made application for increase under the act of August 4, 1886, which was rejected by the Commissioner of Pensions on the ground "that his arm was not amputated at the shoulder joint, or so near the joint as to prevent the use of an artificial limb." Assistant Surgeon C. Ewen, United States Army, certifies "that upon examination of claimant, he finds that he has lost his left arm at the elbow; the use of the right arm is impaired from a fracture of the ulna, and the arm is weak; there is great difficulty of speech (partial paralysis), apparently resulting from gunshot wound of head." Margaret J. Verbisky, wife of claimant, testifies "that for eleven years claimant has been helpless, unable to dress or feed himself; one side is paralyzed, and he has to be covered and turned over in bed; that he requires the constant care and attention of another person."

Henry Hamborg and Max Haselby swear that the claimant requires the help of his wife in dressing and washing himself, and in cutting his victuals. Under the statement of facts presented your committee are of the opinion that the claimant is very nearly totally disabled, and that if a rating was allowed for this disability to right arm, that the pension would exceed the amount proposed by the bill, and they therefore report the bill with a favorable recommendation.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 893.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1922.]

*The Committee on Pensions, to whom was referred a bill for the relief of Thaddeus S. Stewart, have examined the same, and report:*

The claimant was a private in Company K, One hundred and thirty-seventh Illinois Volunteers, and is now receiving $30 a month for injury to his eyes. This bill increases his pension to $50 a month. The history of the case is somewhat peculiar, and is as follows:

The claimant enlisted May 7, 1864, in Company K, One hundred and thirty-seventh Illinois Infantry, for one hundred days, and was discharged September 24, 1864. September 5, 1865, he filed a claim alleging neuralgia in head, affecting his eyes, incurred about September, 1864. Pension was allowed August 24, 1869, at $8 per month, and increased June 13, 1871, to $20 per month, and again June 4, 1874, at $24 a month. Following this, charges were made that the disability existed prior to enlistment, and after a special examination he was dropped from the rolls December 12, 1874.

During the investigation it was learned that the claimant had served in Company F, Eighteenth Iowa Regiment, from July 7, 1862, to February 19, 1863, when he was discharged on surgeon's certificate of disability, signed by William P. Brodrick, lieutenant of the company, who said that his sore eyes existed prior to enlistment. His claim for restoration was rejected, and rejection was affirmed by B. R. Cowan, Acting Secretary of the Interior, May 22, 1875, and again by Hon. Carl Schurz, September 25, 1880. He was restored at $24 per month from December 4, 1874, and raised to $30 from March 3, 1883, under decision of Secretary Teller, dated February 7, 1885.

In this decision of Secretary Teller there are some comments which are profitable for present consideration. Referring to the admission of the claim in 1869, he says:

> It is believed that the action of your office was proper in admitting the claim in 1869, in the light of the evidence then in the case, although it is somewhat remarkable that in the adjudication of the claim the question as to prior service was not investigated, which would have led to the record evidence which several years thereafter was thought sufficient to defeat the claim. The adverse record evidence above referred to made it necessary to fully investigate the question of prior soundness. This has been done at length by the special examiner, and although the examination was in some respects thorough and conclusive, yet the impression can not be avoided that he apparently entered upon the investigation in the full belief that the claim was a fraudulent one, and that his special mission was to prove it such, rather than to obtain the facts and be just to the claimant.

Taking into consideration all the facts in the history of the case, it appears no question was ever raised as to the condition of his eyes when

he first enlisted. It was for Lieutenant Brodrick to discover that his eyes were wrong prior to his entering the service, and to state his opinion in a general and vague way that detracts from it what little value it might otherwise have had.

In view of the fact that he was received into the service, when he first enlisted, as a sound man—eyes and all—and that he was discharged for impaired vision after his second enlistment, it is deemed as well established that his disability originated in the service.

At the present time he has no pending application before the Pension Bureau for increase. His appeal direct to Congress may have been suggested by his unfortunate experience, from which he was finally rescued by the overruling action of Secretary Teller.

The question for the committee to determine is as to the rating provided in this bill. If he is so blind as to require the attendance of another person he is entitled to $50 a month. On this point Dr. G. V. Converse, his family physician, says the left eye is totally blind, and the right is so affected with neuralgia and ulceration that he can not get around without assistance.

Dr. E. P. Brownfield certifies from his professional knowledge that it is only a question of a very short time when he will be totally blind.

The committee believe that the rating in this bill is justified by his condition. It is therefore reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 894.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1933.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Zenas T. Haines, have examined the same, and report:*

The claimant was a member of Company D, Forty-fourth Massachusetts Volunteers. He applied for a pension for eczema of the legs and nervous disease resulting in paralysis of the legs. He is now receiving a pension of $30 a month. The board of medical examiners, in their report, say:

In his present condition, by the help of assistants, he can manage to move about from house to carriage, etc., but his feet are thrown out with great energy, and he seems to have little control over them. He is entirely unable to perform any manual labor which should require him to be at all on his feet, or to move about except within extremely narrow limits and with assistance. * * * There is no doubt about his disability, but we are unable to connect it with his army life. If he could prove this he would be entitled to a total second-grade rating.

The reason of his inability to prove this, the board says, is his admission that he incurred a disease peculiar to youthful indiscretion some twenty-five years prior to his examination, the report of which bears date October 24, 1883.

Bearing upon this subject the captain of his company, Henry D. Sullivan, testifies as follows:

That said Corporal Zenas T. Haines, while in the service aforesaid, and in the line of his duty, was with his company on the various expeditions under General Foster, in North Carolina, in which his regiment took part during its whole term of enlistment, viz, the Tarborough expedition and the Goldsborough expedition, so called, and the siege of Little Washington, N. C. Said Corporal Haines, on these occasions, was frequently compelled, under orders of his superior officers, to ford streams and wade through swamps, and to bivouac on the ground in wet clothing, without shelter, and in all kinds of weather. On one night, in the autumn of 1862, at Rawle's Mill, N. C., he was compelled to ford the stream at that place, and after doing so to sleep on the ground without shelter. On another occasion, near Tarborough, N. C., he was obliged to sleep on the ground without shelter during a drenching rain-storm which lasted all night. At another time, in the winter of 1862, he took part in a night raid from Plymouth, N. C., during which it was necessary to ford twice a deep, very broad, and ice-cold stream. At the siege of Little Washington he was obliged to sleep on the ground, often wet, for about three weeks. During his term of service he was subjected to other similar exposures, all in the line of his duty and under the orders of his superior officers. He served faithfully and well. I have personal knowledge of the above facts, having been all the time present with and in command of said company. Said Corporal Haines was sound and in good health when he entered the service.

It would seem a miracle if this man had gone through such hardships and exposures as are here minutely, intelligently, and candidly de-

scribed without incurring the disabilities which have produced his present helpless condition. His captain says he was sound when he entered the service. There is no evidence to the contrary except his alleged admission to the medical board. The inference is justified that he must have been so, or he could not have endured what he did. Dr. Charles F. Haynes, late army surgeon, certifies that he had known the claimant for more than thirty years at the date of giving his testimony, June 18, 1883; that he has treated him for locomotor ataxia, which he attributes to his exposure while in the service.

The conclusion of the medical referee of the Pension Office is that claimant's condition "is not due to his service, but to syphilis, evidence of the existence of which was found by the board." The only reference to this in the doctor's report is in these words: "A *slight* nodular condition of the tibia led to the inquiry," etc., which means a *slight* lump on the shin-bone. To offset this is the testimony of the doctors who attended him, and who refer his present helplessness to his service. At best it is a strained conclusion of the medical referee, and hardly consistent with the fact that this man was accepted as sound and endured fatigue and exposure such as only a sound man could endure.

It is apparent that his paralysis is progressive, that it will increase, that his disability is permanent, that he requires the regular aid and attendance of another person, which entitles him to a pension of $50 a month.

The bill is reported with an amendment, adding after the word "volunteers," in the seventh line, "and pay him a pension at the rate of $50 a month, in lieu of the pension he is now receiving," with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 895.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1912.]

*The Committee on Pensions, to whom was referred the bill (S. 1912) granting an increase of pension to William Irving, have examined the same, and report:*

Your committee find that Lieut. Col. William Irving is a pensioner by special act of Congress, approved July 5, 1884, at the rate of $40 per month. That he was pensioned originally at the rate of $25 per month, commencing July 12, 1865, for loss of left leg. That he also in his original declaration claimed pension "for injury to right lower leg." The incurrence of this disability in the service and line of duty is fully shown, as is also its continuance to the present time.

We append herewith former report of the committee in this case:

The committee find that claimant enlisted September 1, 1861, as captain of Company G, Thirty-eighth Regiment Ohio Volunteers. August 5, 1864, he was mustered as major, to date from June 1 of that year. July, 1865, he was mustered out, with rank of lieutenant-colonel. On the 10th of September, 1863, while in command of a wagon-train crossing the Cumberland Mountains, he was severely kicked in his right leg by a mule. Dr. James Haller, surgeon of the regiment, testifies—

"That he treated claimant for the kick of a mule; same occurred in line of duty; location of injury, right tibia, lower third, anteriorly and slightly to outer side; injured September 10, 1863. Ulceration with necrosis of pericardium still continues (February 14, 1880). Claimant was almost constantly on his feet for next four months; was continuously on duty; was wounded at Eutaw Creek, August 5, 1864, through lower part of upper third of left leg, fracturing both bones; affiant amputated his leg same day. Because of the debility and improper nourishment necrosis of the tibia, resulting from the kick, commenced, small sequestra being occasionally discharged ever since. Present condition such that it is impossible for him to be on his feet for any length of time without suffering intolerable pain, requiring him to sit down and elevate his leg."

The examining boards before whom he appeared April 7, 1880, and March 28, 1882, describe the wound of the right leg as an open ulcer, inflamed and discharging, and say the left leg has been amputated about 4 inches below the knee. Both boards decide that he is entitled to a pension of $37.50 per month. The Pension Office declines to allow for more than one disability, which has heretofore been $25 per month, and which he is now receiving.

Your committee believe that he is entitled to a greater pension than the soldier simply suffering from an amputation of a leg below the knee, and, as he is now entitled for that disability to $30 per month, your committee recommend that the bill be amended by striking out "forty-five," in the eighth line, and inserting "forty," and that it be passed as amended.

The claimant in this case presented himself to the committee and stated:

That he was suffering great pain from the wound in his right leg; that it had to be dressed twice daily; that it required almost constant attention from his wife, and

that recently he has been obliged to have attention from his family physician, Dr. J. W. Bayne, of this city.

In answer to an inquiry from Senator Plumb regarding the increased injury to the right leg, Dr. Bayne states as follows, viz:

WASHINGTON, D. C., *April* 7, 1888.

SIR: I have the honor to address you a few lines in behalf of Col. William Irving, late of the Thirty-eighth Ohio Volunteers, in hopes that a proper consideration may be given his case. As his medical adviser I have become cognizant of his condition. He lost his left leg in the war, and received a severe injury of the right, which at times causes him great suffering and completely disables him; this limb has discharged several pieces of bone, is inflamed and irritable, and has several large ulcers upon it. At times the leg becomes very much swollen, and the question of amputation becomes a serious one, and will probably have to be done in the future. The colonel is a very large man, and having lost one leg, the greater amount of his weight and pressure is brought to bear upon the right, thus all the while increasing his troubles. His sufferings are great, his condition serious, and his case is one that ought to appeal to the heart of every patriotic citizen.

Respectfully,

J. W. BAYNE, M. D.,
*Late A. A. Surgeon, United States Army.*

Hon. P. B. PLUMB, *United States Senator.*

Every examination made in this case—from date of application originally to the present time—the claimant has received always and uniformly a rating by the several boards of medical examiners "of one-half total for the disability to right leg." Taking into consideration the fact that the disability to right leg was claimed in his original declaration, its incurrence in the line of duty fully established, its continuance to the present time clearly shown, and that its amputation "becomes a serious question, and will probably have to be done in the future," your committee are of the opinion that the pension to Colonel Irving should be increased to $50 per month. They therefore recommend that the bill be amended in line 8 by striking out the word "sixty" and inserting the word "fifty," and that after the word "month," in line 8, the words "in lieu of the pension he is now receiving" be inserted, and that all of section 2 be stricken out.

Thus amended, they recommend the passage of the bill.

C

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 896.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 5233.]

*The Committee on Pensions, to whom was referred the bill (H. R. 5233) granting a pension to William F. Randolph, has examined the same and report:*

The facts in this claim are correctly stated in the appended report of the Committee on Invalid Pensions of the House of Representatives, which your committee adopts, and recommend the passage of the bill.

## HOUSE REPORT.

Randolph was drafted into Company H, One hundred and seventy-fourth Regiment Pennsylvania drafted militia, November 1, 1862, and served therein until discharged August 7, 1863, by reason of expiration of term of enlistment. On the 29th of said month he again entered the service as private in Company E, Thirty-fifth Regiment New Jersey Volunteers, from which organization he was discharged August 11, 1865. He filed his application for pension on account of disease of eyes November 3, 1871. This application was rejected in 1877, after an *ex parte* special examination, during which some statements were procured tending to show defective eye-sight prior to enlistment.

Dr. Traill Green, a credible witness, who had a personal acquaintance with claimant for years prior to his service, and who examined claimant at his entry into the drafted militia, testifies in most positive terms to claimant's prior soundness. A large number of neighbors, persons of good character, corroborate the above-named witness.

There is no record of treatment for alleged disability in the service, but the record does show that claimant was treated for an injury to back, and later for rheumatism. The existence of disease of eyes in the latter part of his second term of his service is shown by the testimony of a commissioned officer and enlisted men, who state that this condition of the eyes was caused by the smoke and steam to which claimant was exposed as company cook. The evidence in the case further shows that he came under medical treatment immediately after discharge, and that he has been disabled by reason of diseased eyes ever since. The certificate of the examining surgeon shows a disability at three-fourths of total from granular conjunctivitis in 1873.

Claimant is now seventy-eight years of age, and without means.

A favorable report was made in this case by the Committee on Invalid Pensions of the Forty-ninth Congress, but failed of final action.

Upon the showing made, and the fact that claimant gave nearly three years' continuous service to the Government at an age at which he could have claimed exemption from military duty, had not love for country prompted him otherwise, your committee are clearly of opinion that whatever doubts may exist in the case should be solved in favor of this old man, and therefore report favorably on the accompanying bill, and ask that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 897.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2091.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Frances H. Plummer, have examined the same, and report:*

Frances H. Plummer, the applicant, is the widow of General Joseph H. Plummer, who graduated at West Point in 1841 and served during the Mexican war, and later in the regular Army. He was brigadier-general in the war of the rebellion, serving under General Lyon in Missouri. During an engagement at Springfield, Mo., he was severely wounded by being struck in the hip by a rifle ball which was not extracted. While suffering from his wound, and against the advice of the army surgeon, who warned him that to engage in active sevice in his then enfeebled condition would endanger his life, he, however, chose to respond to the call of his superior officers, and reported for duty at Corinth, Miss., where he very soon died quite suddenly on August 9 1862.

From abundance of medical testimony it appears that General Plummer's death was caused from exposure incident to army life, together with the wound received in the service. Therefore, your committee recommend the passage of the bill.

C

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 898.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1575.]

*The Committee on Pensions, to whom was referred a bill granting a pension to William Wallace Young, have examined the same, and report:*

Notwithstanding the fact that applicant has not a claim now pending before the Pension Bureau, your committee, after a careful examination of the case, adhere to the position taken by the Committee on Pensions of the Forty-ninth Congress, and adopt its report, as follows:

[Senate Report No. 891, Forty-ninth Congress, first session.]

*The Committee on Pensions, to whom was referred the bill (S. 2180) granting an increase of pension to William Wallace Young, have examined the same, and report:*

The petitioner was a private in Company B, One hundred and twenty-first New York Volunteers. He was pensioned at $4 and increased to $6 a month for disabilities resulting from confinement in rebel prisons. He alleges that while in Florence prison, South Carolina, in February, 1865, he contracted diarrhea, disease of liver and kidneys, and lung disease and scurvy while a prisoner of war, by exposure and starvation, resulting in general debility.

His capture and imprisonment are shown by the war records, and in the same report his disability is thus described by the surgeon: "Debility induced by improper and insufficient food while a prisoner in the hands of the rebels."

From the testimony of his neighbors, who are ascertained to be credible, it is proven that he was sound when he enlisted, entirely free from any of the diseases incurred while in service.

Sergt. Nathaniel Post testifies that while in Florence prison, about the 20th of February, 1865, he contracted diarrhea, liver, kidney, and lung disease, and scurvy, which was caused by exposure and starvation, and resulted in general debility; that these facts are known to affiant, who saw claimant in the engagement at the Wilderness, Virginia, when he was in good health and capable of extraordinary endurance; that after his release from prison, on his way home on furlough, affiant again saw him, whch he was emaciated, broken down, and so weak that he feared he would not live to get home.

Drs. Brown and Wilcox testify to having treated him for the disabilities claimed, and to his low condition. Recent medical examinations show that he is not able to perform manual labor; that his condition is not only helpless, but pitiable.

There is a mass of convincing testimony in substantiation of his claim for increase, a careful examination of which convinces the committee that his pension is too low.

The bill is reported favorably, with a recommendation that it do pass.

Your committee recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 899.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2812.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Marcus D. Raymond, have examined the same, and report:*

The applicant was a corporal in Company I, Twentieth Kentucky Volunteers, from October 10, 1861, to May 12, 1862. He afterwards served as a private in Company B, Fortieth Kentucky Volunteers, from June 15, 1863, to December 28, 1864. In 1863 he received a gunshot wound in left side, for which he was treated in hospital two months. In 1876 the soldier filed an application for a pension for the above-alleged disability. It was granted at $2 per month, commencing May 13, 1862; $6 from December 31, 1864; $10 from February 4, 1879; $12 from March 5, 1884, and was reduced to $8 from September 4, 1886, on the recommendation of the examining surgeon.

Subsequently he filed a declaration declaring additional disability, alleging injury to left elbow and right wrist, received by falling from a horse while on night-messenger duty. The soldier was not able to establish the origin of the latter claim to the satisfaction of the Department and the case was placed in the hands of a special examiner, who is of the opinion that the injuries were sustained in the service as alleged. The examining surgeon gives him a total rating.

After a careful review of the evidence the committee recommend the passage of the bill with the following amendment: In line 9 strike out the word "thirty" and insert instead the word "twenty."

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 900.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2018.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Henry Sprague, have examined the same, and report:*

Henry Sprague, the applicant, is now receiving a pension of $8 per month under the Mexican war service pension act. A large portion of his life has been spent in the service of his country, viz: in the regular Army, First U. S. Artillery, three years; in the Navy eighteen years; in the war of the Rebellion nine month, making a total service of nearly twenty-two years. He was seriously injured in the breast while in the line of duty in helping to haul cannon at or near Guaymas, on the eastern coast of the Gulf of California; severely wounded in right hand while in the line of duty on the western coast of Africa, which resulted in the loss of index finger, a badly stiffened wrist joint, and a deformed right hand.

The applicant is now seventy-six years of age and with no visible means of support. In view of his advanced age and feebleness, services rendered, and extreme poverty, your committee recommend the passage of the bill with the following amendment: Fill blank in line 10 with the word "twenty."

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 901.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2194.]

*The Committee on Pensions, to whom was referred the bill granting a pension to Annie Leonard, have examined the same, and report:*

The applicant is the widow of Terrance Leonard, of Company D, Sixty-third New York Volunteers, who served from August 14, 1861, to September 22, 1864, and was pensioned at the rate of $2 for gunshot wound of right leg. The soldier died in the Soldier's Home April 26, 1883. The immediate cause of his death was said to be acute peritonitis.

In 1883 the widow filed an application, which was rejected by the Department on the ground that the soldier's death did not result from the wound for which he was pensioned. Several physicians, who knew the man for some years prior to his fatal illness, have given the opinion that the soldier died of blood poison, resulting from the gunshot wound of leg. After a careful examination of the evidence, the committee is of the opinion that the widow is entitled to the benefit of the doubt, and therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 902.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 4672.]

*The Committee on Pensions, to whom was referred a bill granting an increase of pension to Mrs. Emily M. Wyman, have examined the same and report:*

After careful examination of this case, your committee accept the report of the Pension Committee of the House of Representatives, as follows:

The claimant is the widow of Robert Harris Wyman, late rear-admiral, United States Navy. She was pensioned April 17, 1883, at $30 per month from February 1, 1883, the date of filing her application. A bill has been introduced to increase this amount to $50 per month, in compliance with the following letter from the Secretary of the Navy, addressed to the chairman of this committee:

NAVY DEPARTMENT, *December* 20, 1883.

SIR: I have the honor to transmit herewith a draught of a bill granting an increase of pension to Mrs. Emily M. Wyman, widow of the late Rear-Admiral Robert H. Wyman, U. S. N. In view of the long and honorable service of the late Rear-Admiral Wyman in the Navy, and of the statements to the Department by his widow in regard to her necessitous circumstances, I have to request that the proposed bill may be introduced for her relief.

Very respectfully,

W. E. CHANDLER,
*Secretary of the Navy.*

The following statement or abstract of the service of Rear-Admiral Wyman has been furnished by the Secretary of the Navy:

"Robert H. Wyman was appointed a midshipman in the Navy March 11, 1837, and ordered the same month to the *Independence*, where he remained until June, 1840, when he was detached and granted three months' leave; September, 1840, ordered to the West India Squadron, and served on board the *Levant*, *Concord*, and *Potomac* until August, 1842, when he was detached from the last-named vessel and granted three months' leave; August, 1842, ordered to the Naval School at Philadelphia; May, 1843, ordered to examination for promotion.

"June, 1843, ordered to the *On-ka-hye;* July, 1843, warranted as passed midshipman from the 29th June, 1843.

"August, 1843, detached from the *On-ka-hye* and ordered to the *Perry* as acting master; was transferred from this vessel to the *Brandywine*, and detached from the latter ship in September, 1845, and granted three months' leave; then to the receiving-ship at Boston, where he remained until March, 1846, when he was detached and ordered to the *Princeton* as acting master.

"He was transferred from this vessel to the *Porpoise*, and served on these two vessels during the Mexican war.

"Was present at the siege of Vera Cruz. June, 1847, he was detached from the *Porpoise* and granted three months' leave; July, 1847, ordered to the naval rendevous at Boston, Mass.

"He was detached and ordered to the *Albany* as acting master in September following, where he remained until January, 1848, when he was detached (sick) and placed on waiting orders. February, 1848, he was ordered to the Naval Observatory, and remained on this duty until June, 1848, when he was detached and ordered to the receiving-ship at Boston as acting master; he was detached in June, 1850, and placed on waiting orders.

"September, 1850, ordered to the *St. Mary's;* July, 1850, promoted to lieutenant; he was detached from the *St. Mary's* in December, 1852, and granted three months' leave.

"February, 1853, he was ordered to the Naval Observatory, where he remained until October, 1854, when he was detached and ordered to the practice-ship *Preble.* He remained attached to this vessel until October, 1856, when he was detached and placed on waiting orders.

"November, 1856, he was ordered to take passage from New York in the *Wabash* fo duty on the *St. Mary's*, then at Panama. He was transferred to the *Independence*, and in August, 1857, was directed to rejoin the *St. Mary's;* January, 1859, he was detached from the *St. Mary's* and ordered to the navy-yard, New York. He was detached from this duty in April, 1859, and ordered to the practice-ship *Plymouth*, where he remained until August, 1860, when he was detached and ordered to the *Richmond*, remaining on board this ship until July, 1861, when he was detached and ordered to command the *Yankee.*

"October, 1861, he was detached from command of the *Yankee* and ordered to command the *Pawnee*, where he remained about one month, when he was detached (sick) and placed on waiting orders. Was present at the taking of Port Royal.

"December, 1861, ordered to command the Potomac flotilla; June, 1862, detached from this duty and ordered to command the *Sonoma*, and served on James River. July, 1862, promoted to commander. September, 1862, detached from command of the *Sonoma* and ordered to command the *Wachusett*, where he remained until November following, when he was detached and ordered to special duty at Washington, D. C.

"March, 1863, he was detached and ordered to command the *Santiago de Cuba* at Havana, where he remained until August following, when he was detached and ordered to report at the Department.

"May 10, 1865, he was ordered to command the *Colorado;* was transferred to the command of the *Ticonderoga*, and detached from that vessel in April, 1869, and placed on waiting orders.

"July, 1866, was promoted to captain.

"October, 1869, ordered to the Hydrographic Office, and the following October he was directed to take charge of that office, and remained in charge until January, 1879, when he was ordered to command the North Atlantic Station.

"July, 1872, was promoted to commodore.

"April, 1878, promoted to rear-admiral.

"May, 1882, was detached from command of the North Atlantic Station and placed on waiting orders.

"May 25, 1882, was ordered as member of the Light-House Board, and was afterwards made chairman of the said Board.

"He died at Washington, D. C., on the 2d of December, 1882, of disease contracted in the line of duty in the service."

In view of the long and distinguished services of the late Admiral Wyman, husband of claimant, the recommendation of the late Secretary of the Navy, W. E. Chandler, and of the favorable action of Congress in many similar cases, granting the rate of pension proposed by this bill, your committee recommend its passage.

**Your committee recommend that the bill be passed.**

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 903.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 1071.]

*The Committee on Pensions, to whom was referred the bill granting a pension to John Hancock, have examined the same, and report:*

John Hancock, the applicant in this case, served from June 13, 1836, to January 14, 1837, a period of six months, in the Seminole war. It does not appear from papers submitted that he has ever suffered from injuries sustained in the service. On the contrary, he bases his claim entirely upon the fact that he is now seventy-two years of age and in embarrassed circumstances and suffering from physical infirmities incident to old age.

In the opinion of your committee the facts in this case do not afford a sufficient reason for the granting of a pension. We therefore recommend that the bill be not passed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 904.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1595.]

*The Committee on Pensions, to whom was referred the bill granting a pension to Mrs. Rebecca A. Craw, have examined the same, and report:*

After careful examination the committee recommend that the bill be not passed, for the reasons stated in report accompanying S. 2161 of the Forty-ninth Congress. The following is the report:

[Senate Report No. 1644, Forty-ninth Congress, second session.]

*The Committee on Pensions, to whom was referred the bill (S. 2161) granting an increase of pension to Rebecca A. Craw, have examined the same, and report:*

The petitioner is the widow of Lafayette Craw, private Company G, One hundred and eleventh Regiment New York Volunteers. She was pensioned March 4, 1867, at the rate of $8 per month, and is now receiving $12 per month. She now asks increase to $30 per month by special enactment, on account of the death of her son, who was a member of the same regiment in which his father served, and who died not long after his father was killed, of disease alleged to have been contracted in the service. There is no law under which two pensions can be granted to a dependent relative, nor is the committee aware of any precedent for this by the passage of a special bill.

The widow bases her claim upon her necessities, and petitions for $30 per month. The committee have no reason to doubt the accuracy of her statements, but the wisdom of increasing pensions by special law, except in very extraordinary cases, is very greatly mistrusted. In the present instance there is no apparent justification for the increase demanded.

Your committee, therefore, report the bill with a recommendation that it do not pass, and request to be discharged from its further consideration.

TH CONGRESS, 1st Session. | SENATE. | REPORT No. 905.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2195.]

*e Committee on Pensions, to whom was referred the bill (S. 2195) granting a pension to Mrs. Mary R. Archer, have examined the same, and report:*

The applicant is the widow of Robert H. Archer, who served in Company H, Second Battalion, Eighteenth United States Infantry, from arch 17, 1862, to March 17, 1865. The soldier died in 1885 of a comication of diseases resulting, it is alleged, from chronic diarrhea conicted in the service. This the Department has admitted, and the dow's application was granted. She now asks Congress to pass a ecial act granting her arrears of pension from the date of her husnd's disability until the time when her name was placed on the penon-rolls.

As the case is still pending before the Pension Department, the comittee recommend that the bill be not passed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 906.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1915.]

*The Committee on Pensions, to whom was referred a bill (S. 1915) for the relief of P. J. Reuss, have examined the same, and report:*

The beneficiary under this bill has been drawing a pension under a special act passed June 14, 1878, from the date of such act to the present. The present bill provides for arrearages extending from August 12, 1865, to June 14, to June 14, 1878, nearly thirteen years. It is to be presumed that Congress, in making the pension date from the passage of the act, did so in view of all the rights and equities of the case.

The committee decline to review the adjustment made by the act of 1878, and recommend that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 907.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2247.]

*The Committee on Pensions, to whom was referred the bill (S. 2247) for the relief of Ann Buckley, have examined the same, and report:*

In the petition of the beneficiary under the bill, it is stated that, as dependent mother of the pensioner, she drew, after his death, in the year 1865, the pension accrued to such date of death; that at such time the pension agent informed her "there was nothing more coming to her," and that "she was entitled to nothing more;" that she interpreted this to mean that the law made no provision for persons in her case, and that she remained in that belief until the month of June, 1887, when she made application for pension as dependent mother, which was granted, but only from the date of such application, June 18, 1887. The petitioner states that the language of the pension agent above quoted misled her, and that in consequence she has been deprived of pension from October 13, 1865, to June 18, 1887, amounting to $2,337. The bill provides for paying her this sum as arrears.

The act of March 3, 1879, regulating the payment of arrears of pensions, provides that where the application of such pension is not filed prior to July 1, 1880, the pension shall commence from the date of such filing, excepting from the rule only the insane and children under sixteen years of age. The careless remark of a pension agent can not be given such effect as to justify the committee in recommending that a statute which has remained in force nearly ten years shall be repealed in its application to the case under consideration, on the grounds set forth in the petition which accompanies the bill.

The committee recommend that the bill be indefinielty postponed.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 908.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2214.]

*The Committee on Pensions, to whom was referred the bill (S. 2214) granting a pension to Calvin W. Smith, have examined the same, and report:*

The claimant is now a pensioner at the rate of $24 per month, having been raised to that rate from $8 per month, under the acts of June 6, 1866, June 4, 1872, and March 3, 1883, and claims an increase to $36 per month, the payment of which is provided for in the bill under consideration.

The committee, after a careful examination of the evidence in the case, do not feel justified in deciding that there has been error in the rating of the Pension Bureau, and they therefore report unfavorably upon the bill, and recommend that it be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 909.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2240.]

*The Committee on Pensions, to whom was referred a bill (S. 2240) for the relief of George S. Thwing, have examined the same, and report:*

The case of the claimant under the bill is peculiar and lamentable. He was private in Company E, First Regiment New York Marine Artillery, having enlisted in May, 1862, at the age of eighteen years. While in service at New Berne, N. C., in November, 1862, he was furnished a leave and pass from the provost-marshal for fifteen days to visit the camp of the Thirty-ninth Illinois Volunteers, located about 5 miles from New Berne. While crossing the country in that direction he was arrested and taken to the headquarters of the Fifty-seventh Massachusetts Volunteers, where in spite of his leave and pass he was accused of being a spy, and struck on the head with the butt end of a musket in the hands of the adjutant of that regiment. He was placed in the guardhouse, and it was several weeks before he could communicate with the officers of his regiment.

The injury resulted in insanity, and, after confinement in different hospitals as a lunatic for about six months, he was discharged from the service. He has since then been subject to insane attacks which last from weeks to months, rendering him incapable of regular labor, and obliging him to live free from noise and excitement, and depending on relatives for support. His injury is described by the superintendent of the insane hospital of Cook County, Ill., as a lesion apparent in right frontal region, extending from hair line down to external angle of right orbit, and his malady is termed "recurrent insanity."

On presentation of the case at the Pension Office it was rejected under the technical significance which has been given to the law, on the ground that the injury was not incurred in the line of duty.

The case is different from that where a soldier on leave meets with an accident, or receives an injury at the hands of civilians, or in the ordinary course of business or pleasure. This soldier was engaged on a lawful errand, undertaken with the approval of his superiors. He was provided with safeguards which, certifying to his character, made his person inviolable to assault on the part of any officer or man wearing the uniform of the Army. The Government in sanctioning the use of leaves and passes virtually guaranties, within their limitations, the lawful possessor in their peaceful use and protection, and especially

against the acts of its own representatives. No higher crime is known to the service than the violation of the free conduct and protection of a pass. The injury in the case under consideration is life-long and irreparable. It is an injury for which there is no legal remedy. The claimant, in presenting his case to Congress, has taken the only course for relief open to him.

The committee approve the bill, and recommend it for passage.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 910.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2144.]

*The Committee on Pensions, to whom was referred the bill (S. 2144) granting a pension to Rosalie Alex, have examined the same, and report:*

The husband of this claimant was corporal of Company D, Twenty-eighth Ohio Volunteer Infantry, and a pensioner on account of chronic rheumatism contracted in service. He died in October, 1884, and his widow made application for pension, which was rejected on the ground that soldier's death was not due to his military service.

The death-return embraced a certificate from Dr. Withrow, which states that the soldier's last illness was of two days' duration, and that the immediate cause of his death was acute uræmia. This statement was accepted as conclusive by the Pension Bureau, and, on the decision of the medical referee, that there was no "pathological connection" between that disease and rheumatism, the rejection followed.

According to the evidence in the case given by Dr. Hochert, it appears that the last illness of the decedent was of three months' duration instead of two days. He testifies:

> Attended soldier during his last illness; commenced treating him July 17, 1884. The nature and character of his disease was very plain. He was afflicted with dropsy, attended with rheumatic pains of chronic form. Continued to treat him until the date of his death, or two days previous thereto. Affiant was called away from the city, and during his absence he died. The cause of his death was dropsy, and he died October 8, 1884. Affiant was present while a post mortem examination was had over him, and he examined the heart, liver, lungs, and kidneys, and found all of them sound, or in a normal condition, except the kidneys. The remote cause of his fatal disease was rheumatism of a chronic nature.

Dr. Abers, who treated soldier before he came under the care of Dr. Hochert, testified that—

> His main trouble was chronic rheumatism, and co-existing with this he suffered from hypertrophy of liver and indigestion. His health was so poor that he was unable to work and make his living—the result of chronic rheumatism.

The committee have neither time, inclination, or training for nice pathological investigations. The substantial facts in this case are that the soldier contracted rheumatism in service; that this disease was so severe and continuous that the Government pensioned him and bore him on the rolls for many years, until he died; that from the testimony of attending physicans, disease of the liver co-existed with the rheumatism, and that the latter disease, for which he was pensioned, was a

constituent in his last illness; and the fact, if it could be ascertained, that his Maker, when calling him away, sent the fatal message by the way of his liver, or along bones throbbing "with rheumatic pains of a chronic form," or drowned him with dropsy, has but little to do with the question whether the wife who suffered in his suffering, and spent years in labor for him, and is now poor, is legally as well as loyally entitled to the pittance which this bill bestows.

The committee think she is so entitled, and they report the bill favorably, and with a recommendation that it do pass.

C

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 911.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 4110.]

*The Committee on Pensions, to whom was referred the bill (H. R. 4110) granting a pension to Mehitable Wheelock. have examined the same and report:*

Your committee, after a careful consideration of the facts in this case, as set forth in the report of the House committee, hereto appended, concur in the conclusion therein reached, and recommend the passage of the bill.

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Jacob E. Wheelock, late of Company C, First Vermont Cavalry, alleged in his application for pension that at Winchester, Va., June 20, 1862, he was injured in his back and kidneys by being thrown from his horse, and also that he contracted measles, which resulted in total loss of hearing of right ear and stiff and painful neck. The claim for injury was not established before the Department, but soldier was pensioned for loss of hearing consequent upon measles.

The widow made application in due form for pension, which was rejected on the ground that soldier died from pneumonia, which could not in any satisfactory way be connected with his army service or pensionable disabilities.

If it were conclusively shown that soldier died from an ordinary uncomplicated attack of pneumonia, there would be no merit in this claim, but the records do not show this fact.

Dr. Robert W. Lance, of South Woodbury, Vt., under oath, says:

"I was well acquainted with Jacob E. Wheelock, of Calais, Vt., as I was his family physician. At my first acquaintance with him he was afflicted with chronic otorrhœa, the discharge being of an ichorous and cadaverous smelling nature. The same discharge existed from the right nostril, both of which continued until twenty-four hours before his death. On March 14, 1884, I was called to see Wheelock, and found him suffering with pneumonia. I visited him each day and called him doing nicely, as the fever had subsided, respiration easy, expectoration better, so much so that I omitted my visit on the 26th, and on the 27th found him still improving. Was to see him again on the 29th, but on the morning of the 28th I was summoned in great haste; found that at 3 a. m. he had had a violent chill, followed by a congestive headache, the discharges from his head having stopped. He became crazy, rolling and pounding his head, with contractions of the muscles of the neck. Had opisthotonus, followed by convulsions and death. Soldier was not a healthy man, but debilitated from disease of the head. Now, according to my best judgment, Mr. Wheelock, in his last sickness, was taken with pneumonia, from which he was improving, but owing to the diseased condition of his head, and perhaps a little cold, there set in cerebro-spinal meningitis, from which he died."

In an affidavit furnished your committee, dated December 20, 1887, Dr. Robert W. Lance says:

"There was pleurisy in right lung for two days, and none after that. From the 18th the expectoration was easy; there was no trouble with the bowels, but the whole complaint was in the head, and that was where the fever-heat seemed to be located. He had had a constant discharge from his right ear, and also from his nose, of a most

offensive odor ever since my acquaintance with him, which had been for about nine years, but at his last sickness these discharges all stopped, the right side of his head and face became swollen and of a purple color, and the mastoid portion of right temporal bone was badly swollen and distended. He could not have any cold about his head, hot applications being the only thing that seemed to relieve it. It is my opinion that had there not been chronic disease of the head he would have survived, for his lungs were improving, notwithstanding which he grew more delirious, with occasional rigors, dying in convulsions, which I believe were caused by cerebral involvement."

It is clearly evident from the above that, even if pneumonia was the indirect cause of death, a cerebral complication existed, probably the result of the disease of head for which soldier was pensioned, and the weight of testimony would seem to be strongly in favor of the view that soldier died directly and unquestionably from diseases associated with the disability for which he was pensioned. The medical referee suggests that brain symptoms are common in pneumonia. In so-called typhoid-pneumonia that is true. But the progress of this case shows nothing that would justify the opinion that it was typhoid in character, while the leading symptoms, as enumerated by the medical attendant, present a perfect picture of cerebro-spinal irritation, which might clearly have resulted from the deep-seated affection of the ear, and especially from the suppression of the discharge, which had continued uninterruptedly from the date of army service to twenty-four hours previous to death.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 912.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 807.]

*The Committee on Pensions, to whom was referred the bill (H. R. 807) granting a pension to Horatio R. Maryman, have examined the same and report:*

Your committee adopt the report of the House committee, which sets out the facts of the case. Your committee after a review of these facts, recommend the passage of the bill.

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The claimant under this bill asks to be placed on the pension roll, subject to the provisions and limitations of the pension laws, as the dependent parent of Richard A. Maryman, late of Company B, Thirteenth Regiment New York Volunteers. The claimant is about seventy-eight years of age, he resides in the city of Washington, and his proofs are made by neighbors and others who have known him from twenty to forty years. It is abundantly shown that he has always been a sober, temperate man; that he is by trade a carpenter, but that since 1861, owing to epileptic fits in that and succeeding years, he has been unable to earn his support. He was on the police force in Washington for some time prior to 1851, but has had no regular or salaried occupation since 1860. For some years after 1861 he was a constable and collector, and for three or four months a justice of the peace, but from these offices he derived a very precarious return, at no time sufficient for his comfortable support.

A very critical examination of the case reveals the fact that from 1861 to 1865 there was real estate assessed to claimant to the value of about $10,000, that he had an income therefrom by way of rents of $56 per month, and that he owned the house he lived in. Upon this state of facts the Pension Office concluded that he did not come within the meaning of the statute, and rejected the claim.

The proofs show that the son, borne on the rolls as Richard A. Morgan, enlisted on July 12, 1861, and died at Camp Butler, Newport News, Va., January 6, 1862. He was a mere lad at the time of enlistment, less than nineteen years of age, and is fully identified as the son of the claimant.

It further appears that the property assessed to claimant in 1862 and following years at $10,000 was not his own, but belonged to the Hazel estate, and that in due time he accounted for it to said estate. He did at that time and now does own the house he lives in, 231 Pennsylvania avenue southeast, but which has been since 1861 encumbered by a deed of trust, and to pay the accumulated taxes and the trust incumbrance leaves him but an equity in the property, the value of which is very small. In addition to this a number of judgments for divers amounts have been recorded against him, some of which have been discharged. At one time he also held certain unimproved real estate, but the proofs show that all of it was covered with deeds of trust to such an extent that when interest, taxes, insurance, etc., had been paid there was practically nothing left. His ill health compelled him to raise money by new mortgages to discharge the old ones as they matured, which of course involved additional expense, until finally the unimproved property was sold to discharge the incumbrance.

It is evident that claimant did not have any income from his property over and

above costs, charges, interest, and insurance, and if he secured money at any time on his property it was only to add debt to debt for the purpose of holding it awhile longer.

Claimant's health has been poor since 1861, and medical gentlemen in Washington, among them Dr. A. Y. P. Garnett, certify that they treated him in 1861 and following years, and that he was incapacitated for manual labor. Dr. Dexter certifies that he treated him for some years after 1863, and found him incapacitated for labor; that he treated him in the way of charity, besides giving him small sums of money from time to time with which to purchase provisions. It is abundantly shown that the dead son, from the age of fifteen years, had been a liberal contributor to the support of his father, and that claimant received the bounty due the son at the time of his enlistment.

Your committee are of the opinion that this is a meritorious case. There is no dispute as to the claimant's aged, helpless, and destitute condition. The weight of years is upon him. He has had a long period of hardships and ill health. Not many more years will pass before he will have no need of earthly aid. For these reasons, in addition to our belief that he is properly entitled to the relief asked, we recommend that the bill do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 913.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2454.]

*The Committee on Pensions, to whom was referred the bill (S. 2454) granting a pension to Alfred Pearson, have examined the same, and report:*

This claimant, Alfred Pearson, enlisted August 13, 1862, in Company I, Twenty-second Regiment Michigan Volunteers; was discharged April 25, 1864; re-enlisted October 11, 1864, and was discharged November 14, 1865; he is now drawing a pension of $50 a month for total helplessness, under the act of June 18, 1874. By the act of June 16, 1880, all pensioners who were then on the rolls at $50 receive $72 a month; but those that have since become totally disabled receive but $50 a month. Thus, by a discrepancy in the law, he receives only $50, while others who have the same degree of disability are receiving $72. There is a general bill (S. 1000) which has passed the Senate whose object it is to remedy this defect.

There is no doubt whatever that the claimant's disability is absolutely total and permanent. He is suffering from gunshot wounds of both legs and resulting sciatica and general muscular atrophy, attended with general paralysis. After a special examination in the case, made January 18, 1888, the examiner, in his summary, said:

> It would be impossible for language to exaggerate his degree of helplessness. There is little of his limbs but skin and bone; the muscles about the shoulders are almost completely atrophied. Claimant can move his right thumb so it can be seen to move, and that is about all. He would be no more helpless if both arms were off at the shoulder and both legs at the hip.

His helplessness is absolute; he is not able to lift hand or foot, or to perform the simplest offices for himself, so that he requires the constant care and attention of another person.

Your committee deem this case one of exceptional merit, and hasten to give the claimant the benefits he would receive under the general law were it not for the discrepancy therein above explained. The passage of the bill is recommended.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 914.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 4106.]

*The Committee on Pensions, to whom was referred the bill (H. R. 4106) granting a pension to Olive Wallace, have examined the same, and report:*

Your committee agree with the House committee in making this case an exception to the rule, and recommend the passage of the bill, for the reasons set out in the following copy of the House report:

Charles H. Burbank, private in Company C, Third Regiment Vermont Volunteers, was killed in action in the battle of the Wilderness. His mother, Olive Burbank, was pensioned as a dependent, but pension was discontinued on account of subsequent remarriage. Her second husband died in 1872, and she now asks to be again placed on the roll, and furnishes a large mass of testimony showing that she is extremely destitute, and has been totally blind for seven years.

The fact that the son was actually killed in battle, and that the mother is destitute and blind, makes this an exceptionally strong case of its class, and as there are various precedents for the passage of such bills, your committee report the bill back with a recommendation that it be amended by adding after the word "pension-roll," in the fourth line, the words "subject to the provisions and limitations of the pension laws," and with this amendment recommend its passage.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 915.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 4534.]

*The Committee on Pensions, to whom was referred the bill (H. R. 4534) granting a pension to Emily G. Mills, have examined the same, and report:*

After an examination of the facts in this case, as set forth in the report of the House committee, hereto appended, your committee concur in the conclusion therein reached, and recommend the passage of the bill

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The bill proposes to pension Mrs. Emily G. Mills as widow of Oscar B. Mills, late second assistant engineer U. S. Navy (retired). The following is an abstract of the record of husband of claimant, as furnished by the honorable Secretary of War:

"Oscar B. Mills was appointed an acting third assistant engineer in the Navy October 31, 1862, and ordered to the *Ladona*.

"January 27, 1863, he was warranted as third assistant engineer in the regular Navy, to take rank from January 16, 1863—was then on the *Ladona*.

"July 19, 1864, was warranted as second assistant engineer, to take rank from May 28, 1864.

"June 17, 1865, detached from the *Lehigh* and placed on waiting orders.

"August 5, 1866, was ordered to the *Yantic;* August 18, 1866, commissioned as second assistant engineer from July 25, 1866.

"November 12, 1866, detached from the *Yantic* and placed on waiting orders.

"November 19, 1866, ordered to special duty at New York; December 19, 1867, detached and ordered to the *Saco*; December 9, 1868, detached and placed on waiting orders.

"May 28, 1869, ordered to the *Dictator;* September 10, 1869, detached and placed on sick leave.

"February 11, 1871, ordered to appear before the naval retiring board.

"November 22, 1871, again ordered to appear before the naval retiring board.

"June 13, 1872, ordered to the *Tallapoosa*; July 10, 1872, detached and placed on sick leave.

"October 11, 1872, ordered to appear before the naval retiring board.

"October 26, 1872, he was placed on the retired list."

He died at Tunkhannock, Pa., on the 10th of August, 1873.

The following is a copy of the finding of the retiring board, before which he appeared in obedience to the Department's order of February 11, 1871:

"First. That, in their judgment, Second Assistant Engineer O. B. Mills is at this time incapacitated for active service.

"Second. That, in their judgment, the disability of Second Assistant O. B. Mills arose from an attack of malarious fever while he was serving on board the U. S. S. *Saco* at Aspinwall, in the year one thousand eight hundred and sixty-eight, and that the said disability originated from sickness in the line of duty.

"The board respectfully recommend that Mr. Mills be not placed on the retired list of the Navy at this time, but that he be allowed leave for six months to recover his health."

A copy of the finding of the retiring board before which Second Assistant Engineer Oscar B. Mills was examined in December, 1871:

"The board * * * after mature deliberation upon the evidence adduced, find that Second Assistant Engineer Oscar B. Mills is *not* in any way incapacitated from performing the duties of his office."

The following is a copy of finding of the retiring board before which Second Assistant Engineer Oscar B. Mills was examined in October, 1872:

"The board * * * after mature deliberation find Second Assistant Engineer Oscar B. Mills laboring under general debility, the effect of intermittent fever acting upon an originally delicate constitution. We further find that he is incapacitated for active service, and that his sickness originated in the line of duty."

This finding was approved by the President of the United States October 25, 1872, and pursuant to which Second Assistant Oscar B. Mills was retired from active service.

The husband of claimant was killed accidentally August 10, 1873, leaving his widow and daughter, the latter now aged about seventeen years, in very narrow circumstances, as is satisfactorily shown before your committee by the affidavits of her near neighbors.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 916.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2117.]

*The Committee on Pensions, to whom was referred the bill (S. 2117) granting a pension to Ellen Miller, have examined the same, and report:*

This bill is for granting a pension to Ellen Miller, as indigent widow of Jacob Miller, late of Company G, Third Pennsylvania Heavy Artillery, who drew a pension for seventeen years, from his discharge to his death, on account of a spike wound in his left side and rupture incurred in service and in line of duty.

The family was very poor; the disability of pensioner was such that he could do little towards its support; the wife was obliged to work out by the day at washing and such other labor as she could find to do to help furnish bread; and on the day of her husband's death she was thus employed, away from home, and returned there, with the pittance she had earned for comfort and sustenance, to find him dead. At the coroner's inquest on his body, in the excitement and irresponsibility of her condition, she made an affidavit in the form presented to her, that her husband had died in a fit. This affidavit was so framed, because the pensioner, during the last year or two of his life, had been subject to attacks of that character; and in spite of direct proof to the contrary, furnished in the affidavit of a daughter of competent age, who was with her father during the day of his death, the Pension Bureau decided that the soldier died of a fit.

The physician who had at times attended him seems to have been of a trifling judgment, for he has given at least three varying opinions of the cause of the pensioner's death, closing with the probably sensible conclusion that if he did die in a fit the epilepsy was due to his general debility. The coroner, subsequently to the inquest, stated that had he known of the absence of the soldier's wife at the time of her husband's death he would not have permitted her to take the oath on which the verdict was rendered.

This oath thus irresponsibly taken, the verdict of the coroner's jury based upon it, and the whiffling opinions of the doctor induced the Pension Bureau to reject the claim of the widow for a pension on the ground that the fit, of which it was falsely assumed the soldier died, was not due to the injuries received in his army service.

The soldier was an invalid for seventeen years from hernia and from the spike wound which remained an open sore to his death. His disability from these drains upon his system was such that he was comparatively helpless, and his wife was reduced to the most menial

drudgery to gain food for the family. As has been seen, during one of her absences from home at work he had died, and apparently two hours before she returned. In the excitement and distress she is made to affirm to a statement of which she could know nothing, of the bearings of which she had no conception, and which her daughter, who was the only member of the family at home when her father died, swears was not true, and this statement is used by the Bureau, which is organized and maintained to further and protect the rights of soldiers' widows, as the basis for denying her a pension. It is a case of hair-splitting and petty quibbling. The woman fulfilled her duties faithfully to an invalid husband, who had fulfilled his duties faithfully to his country, with loss of health and life, and if the case had been adjudged upon its palpable merits, instead of being made a subject for pathological speculation, she would have been in receipt of her pension three years ago.

The committee report favorably upon the bill and recommend its passage.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 917.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2652.]

*The Committee on Pensions, to whom was referred the petition of Gustave E. Peters, praying for a pension, have examined the same, and report:*

This claimant enlisted September 4, 1864, as a private in Company K, Twenty-ninth Michigan Volunteers, and served until September 6, 1865. His application was rejected by the Pension Office on the ground that his disabilities, double inguinal hernia, wounds of left leg, etc., were not connected with his military service by competent testimony.

The claimant alleges that during the latter part of November, 1864, while on a night march, he fell into a ditch and was ruptured on the left side; and that in April, 1865, he was ruptured on the other side by falling, with a number of his comrades, through a rotten bridge, and being precipitated onto the rocks below. He also alleges gunshot wounds of the head and left leg, and bayonet wound of right hand.

John Flake, a comrade of claimant, testifies that he was marching behind him one night in November, 1864, and that claimant fell into a ditch; he did not see him fall, but did help him out; after daylight claimant showed him where he had been ruptured, on the left side; as he remembers it, the rupture was then about the size of his fist. Flake also testifies that he recollects indistinctly claimant's subsequently being ruptured on the other side.

The surgeon of the regiment, Dr. Elmore Palmer, says he has "a faint recollection that Peters was ruptured while scouting for bushwhackers, some time in the spring of 1865."

John Land and Charles Peterson, comrades of Peters, testify to having known claimant well before and after enlistment (in Sweden and America), and to Peters having been "sound in limb and body" prior to the receipt of the injuries above mentioned. Issac A. Wohlstrom, another comrade, testifies that Peters was entirely free from hernia at enlistment; that he knew the said injury of November, 1864, was incurred in line of duty, and that he knew of claimant receiving medical attention therefor.

Axel Tillstrom, another comrade, who knew claimant before coming to America, testifies that claimant was healthy at enlistment, and found fit for service on examination at that time. Peters showed him his rupture, incurred in November, 1864, and Tillstrom says it was about the size of a walnut. He also testifies as to claimant's incurring a second rupture, while pursuing bushwhackers, by falling through a rotten bridge. He also saw this rupture; he knew of Peters getting a truss

from the surgeon; after their discharge he went with claimant to buy a second truss; claimant did not go to hospital, for he was a good soldier, and the captain, with whom he was a favorite, made his duties easy for him.

Peters is now sixty-four years old; his double hernia is so severe as to preclude his earning a living by manual labor, and he is a worthy object of relief. His soundness at enlistment is shown; his disability at discharge is also shown, and your committee draw only a reasonable conclusion when they presume that the disability was incurred in line of duty.

The passage of the bill reported herewith is recommended.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 918.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2069.]

*The Committee on Pensions, to whom was referred the bill (S. 2069) granting a pension to Penrose Frank, have examined the same, and report:*

That the claimant was a private in Company D, Eighty-fourth Regiment Volunteer Infantry of the State of Pennsylvania, in war of the rebellion. He first enlisted for three months, April 19, 1861, and was honorably discharged August 7, 1861. He re-enlisted November 15, 1861, and was discharged February 11, 1863.

The claim is based upon rupture received in the field at the second battle of Bull Run, while engaged in removing some pieces of artillery from a ravine, under orders of an officer commanding. This occurred August, 1862. He was sent to hospital for treatment, thence to convalescent camp, when he was discharged for disability.

The claim has been rejected for the reason that there is no record of his being treated while in the service for hernia or rupture. But his neighbors, whose testimony is on file, say he was a sound man before service; the orderly sergeant of his company swears that he saw the rupture immediately after it occurred, in removing the battery as above stated.

The medical and lay testimony since his discharge shows that he has the disease, and that it disables him from manual labor. Dr. Truman, under date of September 9, 1880, certifies that he is suffering from "double inguinal hernia;" that it incapacitates him from labor, and rates him for total in that class, the injury being permanent.

We think the claim meritorious, and recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 919.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2260.]

*The Committee on Pensions, to whom was referred the bill (S 2260) restoring Wilhelmina Hosband to the rolls as a pensioner, have examined the same, and report as follows:*

The claimant is the widow of Sandy Hosband, who was a private in Company K, Eighty-second Regiment of United States Colored Infantry, of State of Louisiana. The soldier enlisted September 1, 1863, and served until September 15, 1864, when he died of small-pox contracted in the service, at the regimental hospital in Barrancas, Fla.

The claimant drew a pension as his widow, duly granted, until 1878, when her name was dropped from the pension rolls upon the claim that she had remarried since death of her husband. The evidence in the case is very voluminous, conflicting, and unsatisfactory. We are only convinced, upon a somewhat careful perusal of it, of two facts: First, that the claimant was the wife of the soldier at the time of his death; second, that he died in the service.

Although there is some evidence which might lead us to the conclusion that she had been guilty of illicit intercourse with men since she became a pensioner, we do not think that it is at all established that she has since her husband's death remarried, or that it is shown that her cohabitation with any one has been so continuous or notorious, acknowledged or reputed, as to be equivalent to marriage.

We recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 920.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1885.]

*The Committee on Pensions, to whom was referred the bill (S. 1885) granting a pension to Margaret Tonkin, have examined the same and report as follows:*

The claimant is the widow of Gustavus D. Tonkin, late a private in Company H, Eighth New Hampshire Volunteers, in the war of the rebellion. He was mustered-in December 20, 1861, and was discharged December 30, 1862.

The soldier was a pensioner at the time of his death, for heart disease. He died in 1880 of Bright's disease of the kidneys, as the public record shows.

It seems the soldier served a second term of service, commencing September 30, 1863, was captured in 1864, and paroled March 21, 1864.

He seems to have been discharged for disability, though there is no certificate as to what the disability was. The claim of the widow has been rejected on the ground that the disease of which the soldier died was not shown to have originated in the service.

The record shows that he was treated while in the service for heart disease, hypertrophy, for general debility, for diarrhea, for palpitation of the heart, for anemia. Drs. Mills, Thompson, Bartlett, and Fellows certify that since his discharge he was treated by them for rheumatism, heart disease, general debility; that he was a man "thoroughly broken down." Dr. Bigelow, physician in his last illness, testifies that soldier suffered from a complication of diseases—rheumatic gout, contracted kidney, acute gastritis, febrile phthisis, and bronchitis—and that an autopsy verified this diagnosis. We conclude, with abundant reason as we think, that this man died of some complaint induced directly from his diseases contracted in the service, and that the widow, who is childless, poor, and needy, should have a pension.

We recommend passage of the bill.

O.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 921.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2245.]

*The Committee on Pensions, to whom was referred the bill (S. 2245) granting an increase of pension to John F. Spence, have examined the same, and report as follows:*

The claimant was a private in Company C, Seventy-second Regiment Illinois Volunteer Infantry. He is now a pensioner at the rate of $16 per month. The pension is based upon injury incurred by gunshot wound in the left hand and disease of the eyes, causing impairment of vision, the result of fever, for which he was treated in the service.

We have no doubt of the meritorious character of the pension as now allowed and paid, but we see no sufficient grounds for increase. The last examination for increase, made December 7, 1887, shows no rating for additional allowance. There is nothing in the evidence on file to show that this action is unjust or inequitable.

The application for increase was rejected by the Pension Office, and we concur therein, with recommendation that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 922.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2295.]

*The Committee on Pensions, to whom was referred the bill (S. 2295) granting a pension to Emanuel Brownmillen, have examined the same, and report as follows:*

The claimant was a private in Company E, One hundred and sixty-seventh Regiment Pennsylvania Volunteer Infantry. He enlisted October 27, 1862, was discharged August 12, 1863. His claim for pension is based upon injury by the explosion of a shell, and for chronic diarrhea.

It seems that in May or June, 1863, he was injured by explosion of a shell. He picked up a shell voluntarily, and upon his own motion unscrewed the top, and supposing that he had emptied it of powder put a lighted stick into it, when it burst and he was injured by the fragments. This occurred while he was on picket duty, but it was not in the line of that duty or of any other. It was wholly the result of his own carelessness.

As to the claim for diarrhea, there is some evidence that the soldier is now suffering somewhat from said disease, but it is not shown that it due to his military service. The proof appears to be that it is occasioned by disease of the liver, from which he suffered before service and since, in about same manner.

Indefinite postponement of the bill is recommended.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 923.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2070.]

*The Committee on Pensions, to whom was referred the bill (S. 2070) granting a pension to Peter Elser, have examined the same, and report as follows:*

Claimant was a private in Company C, Two hundred and first Pennsylvania Volunteer Infantry. He enlisted August 22, 1864; was discharged June 23, 1865. He is already a pensioner at the rate of $4 per month upon account of varicose veins in the legs. The object of the pending bill is to grant him an increase on account of disease of the eyes.

There is a discrepancy in the evidence as to which eye is affected, some witnesses testifying that it is the right, others that it is the left. It is probable that both are somewhat diseased. There is no evidence, however, that the disease of the eyes was contracted in the service or is due thereto, or that he was treated therefor while in the service, nor until 1875, ten years after his discharge.

There is some evidence that he is now afflicted with partial loss of vision, but the last medical examination shows no rating for any disability except the disease of the legs. This examination was made May 8, 1884, by Drs Stanton, Tyler, and Reyburn, special examining surgeons of the Pension Office. Their certificate is entirely silent as to any disease of the eyes for which the increase is prayed.

Under these circumstances we see no ground for further increase.

It is recommended that the bill be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 924.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1819.]

*The Committee on Pensions, to whom was referred the bill (S. 1819) granting arrears of pension to D. M. Fox, have examined the same and report:*

The claimant was commissioned as major in the Ninth Regiment Michigan Volunteer Infantry in June, 1861, served until October 3, 1864, when he was honorably discharged, having been meanwhile promoted to the rank of colonel of the Twenty-seventh Regiment of same State. June 17, 1864, he was severely wounded in action by the enemy before Petersburgh, Va., which resulted in total disability of the right arm.

It appears that at the time he entered the service he was over military age for enlistment; that being in good circumstances at the time of the close of the war he did not apply for a pension, although entitled to one; that afterwards, having lost all his property by the Chicago fire, he was forced, as a means of subsistence, to apply for a pension; did so, and the same was promptly granted him upon account of his wound aforesaid. The pension was rated at $30 per month. He is now receiving it, but it was allowed to begin under the limitations of act of Congress therein only from April 29, 1881, the date of his application.

The object of the bill pending is to provide payment of the said pension from the time of his discharge, instead of the date of his application.

It is shown that he was a faithful and efficient officer, that two of his sons were also in the military service of the country, one of whom was killed in battle by the enemy. The other died from disease incurred in the Army.

The claimant is over seventy years old, very poor, and permanently disabled.

The policy of Congress in enacting the limitations spoken of was doubtless wise and necessary. Its purpose was to compel applicants to the use of diligence in prosecution of their claims, to discourage fraudulent claims, and to provide that proofs of service and disability should be authentic, not based upon evidence antiquated, remote, obscure. But in this case the reason of such rule does not seem to apply. It was not ignorance or negligence which induced the claimant to delay his application; rather a generous consideration toward the Government and an unselfish disparagement of his own claims to its bounty.

We recognize this with other peculiar circumstances in the case; but we adhere to the principle and recommend passage of the bill herewith reported allowing $50 per month in lieu of that now paid.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 925.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2653.]

*The Committee on Pensions, to whom was referred the petition of Mary Curtin for a pension, have examined the same and report:*

That the claimant is the widow of Timothy Curtin, who was a sergeant in Company I, Forty-eighth Regiment Massachusetts Volunteer Infantry. He enlisted at a time not shown; was discharged September 3, 1863. The soldier was a pensioner at the time of his death by reason of gunshot wound in right arm, received at battle of Port Hudson, at the rate of $16 per month. He died at Boston, Mass., September 17, 1880. His death is recorded as of pneumonia.

The physician in attendance at last illness says that his disease was consumption; that he would have died in a few weeks from this latter disease; that the attack from pneumonia only hastened death. The claimant and her neighbors testify that the soldier upon his return home, immediately after his discharge, was greatly broken in health; that he had an incessant hacking cough and was thoroughly disabled for work; that his wound remained, almost constantly, an open sore; that when suppuration ceased the cough became worse, and that the waste from the wound weakened the system so as to prevent a cure of the cough; that this was his condition continuously until he died.

Medical testimony supports this view, and although the claim was rejected by the Pension Office, yet we think it is shown sufficiently that the wound and its consequent results were the causes of the husband's death. We, therefore, report herewith a bill for the relief of the petitioner, and recommend its passage.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 926.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DANIEL, from the Committee on the District of Columbia, submitted the following

## REPORT:

[To accompany bill S. 1612.]

The Committee on the District of Columbia, to whom was referred Senate bill 1612 "to provide for the closing of two alleys in square 132 in the city of Washington," etc., respectfully report the same, with the recommendation that it do pass.

Square 132 lies between S and T and Eighteenth and Nineteenth streets northwest. Between S and T streets it is intersected by Cedar street, which is 50 feet wide, and runs parallel to S and T streets.

The northern and southern halves of the square divided by Cedar street are again intersected by 10 foot alleys running also parallel to S and T streets and from Eighteenth to Nineteenth streets.

Eighteenth and Nineteenth streets are much frequented thoroughfares and frontage on them is more desirable than on S and T. The intersections of the square by the alleys aforesaid render the subdivisions quite small, the alleys opening on Eighteenth and Nineteenth streets at a distance of only 100 feet from the streets (S, T, and Cedar) which run parallel with them.

Messrs. Charles Early and Corbin Warwick own the whole of the half square fronting on Nineteenth street. Cedar street equally divides their property, which runs back from Nineteenth street slong S, T, and Cedar streets 201 feet 4 inches, and it is quartered by the two 10-foot alleys.

It is proposed by this bill to authorize the Commissioners of the District—

*on the petition of all the owners of property* abutting on those parts of the two ten feet wide alleys running east and west through square one hundred and thirty, in the city of Washington, D. C., for a distance of ninety-six and four hundredths feet beginning at, and running east, from the east side of Nineteenth street (being that portion lying between lots one hundred and sixty-one and one hundred and sixty-two, and one hundred and sixty-nine and one hundred and seventy, in the subdivision placed on record in the surveyor's office in the District of Columbia, in book fifteen, page twenty-seven), to declare said parts of said ten feet wide alleys closed: *Provided, That the owners of the land abutting on that portion of said alleys to be closed in said square shall, as a condition precedent to such action on the part of the Commissioners,* file in the office of the surveyor of the District of Columbia a plat to be approved by the Commissioners, dedicating to the use of the public, as a public alley, an area of ground equal to the area of the parts of alley ways declared to be closed, and sufficient for the purpose of connecting said alleys with, and making an outlet to, T street and S street at least ten feet wide.

And section 2 of the bill provides that the abutting owners of property on the part of the alley closed shall acquire title to the same.

The committee is of opinion that the change in the location of the alley is not objectionable; and that, indeed, the subdivisions of the square will be improved in value and in appearance by the change.

The Commissioners of the District, to whom the bill was referred for an expression of their views, report that there appears to them no objection to the bill, as will be seen from the letter appended. The Commissioners do recommend that the words "and instructed" be stricken from line 4 of section 1 of the bill; but this seems to your committee a needless change, since the measure has already received their sanction.

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OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
*Washington, February* 25, 1888.

SIR: The Commissioners have examined Senate bill 1612, "To provide for the closing of parts of two alleys in square one hundred and thirty-two," etc., which was referred to them at your instance for their views.

The apparent object of this bill is to obtain a change in an alley without having to obtain the consent of all the owners of property in the square, as the present general law on the subject requires.

The Commissioners realize that this restriction is sometimes unduly onerous in its application, and this may be a case where an exception may be made. If the discretion as to the propriety of making this change were intrusted to the Commissioners there would appear to be no objection to the passage of the bill. All that is necessary to vest the Commissioners with that authority is to pass the bill with the words "and instructed" stricken from line 4 of section 1 thereof, and this the Commissioners recommend.

Very respectfully,

W. B. WEBB,
*President.*

Hon. JOHN J. INGALLS,
*Chairman Committee for District of Columbia, U. S. Senate.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 927.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. PALMER, from the Committee on Education and Labor, submitted the following

# REPORT:

[To accompany bill S. 1156.]

The Committee on Education and Labor, to whom was referred Senate bill 1156, "to encourage the holding of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the years 1888 and 1889," beg leave to report that they have had the same under consideration, have made sundry amendments thereto, and recommend that the bill, as amended, do pass.

The colored people of the United States propose to conduct and hold an exposition of the result of their inventions, labor, and productions in this the twenty-fifth year of the emancipation of their race from slavery in this country, to illustrate their progress and achievements, and to furnish the Government information as to their educational and industrial status.

It is properly described as a national industrial exposition, and will be practically conducted by a body corporate, composed of representative colored men, known as "The Colored World's Fair Association of America," incorporated under the laws of the State of Georgia.

The advantages to the colored race and to the nation, morally and commercially, of a successful and creditable exposition of the character indicated in the bill are many and obvious.

The promoters of the enterprise ask that it receive the recognition of the General Government usually extended to such undertakings and a loan of money to enable them to assure its success. The committee recommend that $400,000 be loaned under the restrictions and provisions of the bill, which are similar to those contained in the acts in aid of the Centennial and New Orleans expositions. The following are some of the appropriations by the United States Government to former expositions:

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| To Philadelphia Centennial, for buildings (vol. 19, U. S. Statutes at Large, p. 4) | $1,500,000 |
| To enable the Executive Departments to participate (vol. 18, U. S. Statutes at Large, p. 400) | 505,000 |
| To engraving and printing Centennial stock certificates (vol. 18, U. S. Statutes at Large, p. 375) | 30,750 |
| To New Orleans Exposition, 1884, 1885 (vol. 23, U. S. Statutes, p. 28) | 1,000,000 |
| To enable Executive Departments to participate in (vol. 23, U. S. Statutes at Large, p. 207) | 300,000 |
| To final aid New Orleans Exposition (vol. 23, U. S. Statutes at Large, p. 512) | 335,000 |

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| To woman's department New Orleans Exposition (vol. 23, U. S. Statutes at Large, p. 512) | $15,000 |
| To Paris Exposition, 1867 (vol. 14, U. S. Statutes at Large, p. 362; vol. 15, p. 19) | 206,403 |
| To Vienna Exposition (vol. 17, U. S. Statutes at Large, p. 637) | 200,000 |
| To Paris Exposition, 1878 (vol. 20, U. S. Statutes at Large, pp. 218, 245) | 190,000 |
| To International Fish Commission, London (vol. 22, U. S. Statutes at Large, pp. 389, 603; vol. 23, p. 237) | 70,000 |
| To International Fish Commission, Berlin (vol. 21, U. S. Statutes at Large, p. 301) | 20,000 |
| To Sidney and Melbourne, Australia, 1879 (vol. 21, U. S. Statutes at Large, pp. 49, 239) | 28,000 |
| | 4,400,153 |

The city of Atlanta, Ga., having officially pledged co-operation, the Driving Park Association of that city having tendered two hundred acres of land and suitable buildings, free of rental charges, and the general assembly of Georgia having by joint resolution cordially indorsed the proposed exposition, it will be located at Atlanta, and is designed to be held open from November 12, 1888, to February 12, 1889.

The legislatures of Alabama and Tennessee have passed joint resolutions commending and encouraging the enterprise, the New Orleans Chamber of Commerce approves and indorses it by a formal resolution, and numerous memorials and petitions from representative men and associations in the Southern States, of similar character and intent, are on file with the committee.

Our colored population is estimated to exceed seven million in number, and this enterprise seems peculiarly worthy of national encouragement and substantial aid.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 928.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of Mary Brown.]

*The Committee on Pensions, to whom was referred the petition of Mary Brown, widow of George W. Brown, Company B, Twelfth Ohio Cavalry, for arrears of pension, have examined the same, and report:*

Mary Brown, as widow of George W. Brown, Company B, Twelfth Ohio Cavalry, who died from disease contracted in service, January 1, 1878, made application for pension, which was allowed, and which she now receives, at $12 per month. Subsequently she made claim for arrears of pension from the date of her husband's discharge to his death, which was rejected. Whereupon she petitions Congress to grant her such arrears.

The claim for arrears was rejected on the ground that petitioner's husband had failed to make application for pension before his death. The rejection was in accordance with the settled practice of the Pension Office, under the decision by the Secretary of the Interior, October 13, 1879, of a case in point, which decision was affirmed by the Attorney-General of the United States.

The committee report unfavorably upon the petition, and recommend that its prayer be denied.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 929.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of Mariah Nash.]

*The Committee on Pensions, to whom was referred the petition of Mariah Nash for a pension, have examined the same, and report:*

That the claimant is the widow of Samuel Nash, who was a private in Company G, Fifty-eighth Regiment Volunteer Infantry. The soldier enlisted August 25, 1862, and was discharged March 21, 1863. He was pensioned at first at rate of $2, then at $6 per month, for injury to his back occasioning diarrhea and piles. He died January 7, 1883, of *acute pneumonia.*

We are unable to see anything in the evidence or circumstances of this case to induce the belief that the disease of which the soldier died was either the necessary or probable consequence of the complaint for which he was pensioned, or of his military service. The claim has been for this reason rejected by the Pension Office and, on appeal, by the Secretary of the Interior.

This committee has always in such cases indulged the most liberal construction and presumption in support of them, but in this instance we deem it right to approve of this action.

We recommend indefinite postponement of petition, and ask that the committee be discharged from further consideration thereof.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 930.

# IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of Robert B. Wheatley.]

*The Committee on Pensions, to whom was referred the petition of Robert B. Wheatley, for a pension to himself, have examined the same and report:*

The claimant was a private in Company H, First United States Veteran Volunteers. His application for pension was filed in the Pension Bureau October 17, 1884. His examination last made was in February, 1887. The case has not yet been determined by the Pension Office.

We think application here is premature; there is no need of special legislation at this time, may not be at any time. We recommend indefinite postponement of the petition and that the committee be discharged from further consideration thereof.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 931.

# IN THE SENATE OF THE UNITED STATES.

APRIL 11, 1888.—Ordered to be printed.

Mr. MCPHERSON, from the Committee on Naval Affairs, submitted the following

## REPORT:

[To accompany bill S. 2049.]

*The Committee on Naval Affairs, to whom was referred the bill (S. 2049) to equalize the grades of officers of the Marine Corps, having had the same under consideration, beg leave to submit the following report:*

The committee have carefully examined and considered this bill, and find that the provisions embodied in it have heretofore, at different times, received the favorable consideration of the committee, and contemplate, as indicated by the title of the bill, the equalization of the several grades of officers of the Marine Corps; also, a more definite regulation of the methods of promotion of officers of the corps than now exists.

The object of the proposed legislation is to increase the efficiency of this important branch of the naval service, first, by placing it more nearly upon a footing with military organizations of similar constitution and strength, and, secondly, by encouraging its officers to that increased diligence in professional accomplishment which is certain to result from their suitable recognition by Congress.

The Marine Corps was established and organized by an act of Congress, approved July 11, 1798, and Congress, in view of the importance and necessity of the corps as a part of the naval force of the country, has, by appropriate legislation from time to time, increased its members and promoted its efficiency.

Under the provisions of the act for the better organization of the Marine Corps, approved July 25, 1861, and of the act of March 2, 1867, giving the commandant of the corps the rank and pay of a brigadier-general, which provisions are embodied in section 1596, Revised Statutes, the active list of line officers of the corps embraced seven grades, as follows: 1 brigadier-general commandant, 1 colonel, 2 lieutenant-colonels, 4 majors, 20 captains, 30 first lieutenants, and 30 second lieutenants, with a staff consisting of 1 adjutant and inspector, 1 paymaster, 1 quartermaster, and 2 assistant quartermasters, making 88 officers of the line and five officers of the staff, an aggregate of 93 officers of all grades, which continued to be the number of officers allowed in the corps until the adoption of a clause in the naval appropriation act of June 30, 1876, which provided that there should be no further appointments, except by promotion to fill vacancies occurring in the list of commissioned officers of the Marine Corps, until the number of such officers should have been reduced, by casualties or otherwise, to 75, and, by a provision in the naval appropriation act of January 30, 1885,

the whole number of officers in the corps, both line and staff, is limited to 75.

Under a provision contained in the naval appropriation act of June 6, 1874, the rank of the commandant of the corps has been reduced from that of brigadier-general to that of colonel, with a corresponding decrease of pay.

The effect of the legislation relating to the reduction of the active list as above referred to, up to the present time, has been to reduce the number of second lieutenants from 30 to 13, and the whole number of officers, line and staff, from 93 to 76. As at present organized, the distribution of line officers in the several grades is as follows: 1 colonel commandant, 1 colonel, 2 lieutenant-colonels, 4 majors, 20 captains, 30 first lieutenants, and 13 second lieutenants, being a total of 71 line officers.

This bill does not increase the whole number of officers in the corps beyond that which was authorized by section 1596, Revised Statutes, but provides for a distribution of line officers in each grade, so as to meet the actual needs of the service, as follows: 1 brigadier-general commandant, 4 colonels, 4 lieutenant-colonels, 4 majors, 25 captains, 25 first lieutenants, and 25 second lieutenants, being a total of 88, which was the number of line officers authorized by section 1596, Revised Statutes.

The Marine Corps being a military body, it is deemed important and necessary to its efficiency as such, as well as eminently just, that its officers should be distributed in the various grades proportionately to the number of its enlisted men.

Under the present organization there are, besides the commandant, but 7 field officers of the line, while there are ten posts or shore stations of the corps, and the number of enlisted men assigned to duty at each make such posts appropriate commands for field officers. Field officers are also required for the superintendence of recruiting and for the performance of other duties. Many of the officers now performing duties in the Marine Corps, corresponding to those of field officers, are juniors in rank by one or two grades to those exercising functions of similar importance and responsibility in the Army and Navy. The proposed equalization of grades will furnish officers of proper rank for such duties and tend to correct the existing disparity in the proportion of field officers, as well as in the proportion of officers in other grades, to the number of enlisted men, but will still leave the number of officers far below that now allowed to the same number of enlisted men in the infantry of the Army. The whole number of officers which was allowed to the Marine Corps by section 1596, Revised Statutes, and which the present bill does not exceed, was proportionately very much smaller than that authorized for a corresponding number of enlisted men in either the Army or the Navy.

The passage of this bill will lead to the promotion of 5 captains who have held that grade and have been in the service, respectively, as follows: 2 have been in the service about twenty-seven years and have held the grade of captain nearly twenty-four years, having entered as second lieutenants at the beginning of the late war. The remaining 3 have been in the service not quite twenty-seven years, having entered as second lieutenants within a few months after the war began but not reaching the grade of captain until after its close; 1 of them has held that grade over twenty years, 1 eighteen years, and 1 nearly seventeen years.

The bill will also promote 10 first lieutenants whose periods of service range from seventeen to twenty-two years and who have held that grade for periods varying from ten to fifteen years.

Prior to the late war the highest grade in the Navy was that of captain, and the rank of colonel, which is relatively the same, was given to the commandant of the Marine Corps as an appropriate rank at that time. Since then four higher grades, viz, commodore, rear-admiral, vice-admiral, and admiral, have been created in the Navy, but, while the rank of brigadier-general in the Army, which by section 1466, Revised Statutes, is made relative to that of commodore, was given to the commandant of the Marine Corps by the act of March 2, 1867, it was taken away by the act of June 6, 1874, and the officer holding that position ranks only with a captain in the Navy, although the same reasons which existed in 1867 for giving the commandant of the Marine Corps the rank of brigadier-general exist to-day. The Marine Corps forms an appropriate command for an officer of that rank. The heads of the different departments and corps of the Army have that rank, and the chiefs of bureaus in the Navy Department are given the relative rank of commodore, a rank corresponding to that of brigadier-general. It would, therefore, be only an act of justice to the Marine Corps to give its commandant the rank of brigadier-general, which is not only commensurate with his command, but corresponds to the rank enjoyed by officers of the Army and Navy having similar responsibilities and command.

The second section of the bill provides a higher rank, that of lieutenant-colonel, for the three chief staff officers of the corps, viz, the adjutant and inspector, the paymaster, and the quartermaster, and gives them, on their retirement, the rank of colonel, provided they have served forty years on the active list. It also affords opportunities for the advancement of line officers, after twenty-five years active service, by appointment to fill vacancies occurring in the office of adjutant and inspector, or in that of paymaster; for the advancement of assistant quartermasters on the active list by promotion, according to seniority, to the office of quartermaster when a vacancy occurs, and for the advancement of line officers, after fifteen years active service, by appointment to fill vacancies in the office of assistant quartermaster.

The highest rank authorized by law for staff officers of the Marine Corps is that fixed by the act for the increase of the corps, approved March 2, 1847, which gave the rank of major to the quartermaster, paymaster, and adjutant and inspector, and that of captain to assistant quartermasters.

The staff of the Marine Corps is composed of 5 officers, 3 with the rank of major and 2 with the rank of captain, appointed from the line of the corps. One of the 3 staff officers of the rank of major has held that rank nearly twenty-seven years, and has been in the service over forty-one years; another staff officer of the grade of major was, on attaining the age of sixty-four years, recently retired with that rank after holding it nearly twenty-five years and after being in the service over forty-six years. Another instance of like character is shown in the retirement of an officer at the age of sixty-two with the grade of captain, after serving as assistant quartermaster more than twenty-two years, and after being in the service upwards of forty-two years.

The duties and responsibilities of the staff of the Marine Corps are of the same character as those of the several departments in the Army, the duties of which are discharged by officers of the Adjutant-General's, Inspector-General's, Quartermaster's, Commissary's and Pay Depart-

ments and the same necessity for duties of this character, and for the qualifications of knowledge, faithfulness, and experience essential to their proper discharge, exists in the Marine Corps, yet, however long the staff officers of the corps may be engaged in the discharge of such duties, there is no provision of law for their promotion. It is eminently proper, therefore, that provision for their advancement should be made as proposed in the second section of the bill.

The third section of the bill is intended to place the senior marine officer of a fleet or squadron on a proper footing as to designation and rank while discharging the duties of that position.

The law provides for the appointment of the senior officers of the staff in a fleet or squadron styled, respectively, "surgeon of the fleet," "paymaster of the fleet," and "engineer of the fleet," and that, while serving in those capacities, they shall receive the sea-pay of the highest grade of the corps to which they belong.

The regulations provide for the designation of the senior marine officer in each fleet or squadron as the "fleet marine officer," who, in addition to his regular duties as commanding officer of marines of the vessel to which he is attached, is charged with the duties which pertain to his position as a fleet officer, and which are of the same relative character as those of other fleet officers. But, while his duties and responsibilities in his department correspond in importance with those of fleet officers in other departments, he is not allowed the corresponding increase of rank and pay to which his length of service and the duties and responsibilities of his position fully entitle him. The necessity for a fleet officer of marines is as great as that for other fleet officers, and the officers who, under the proposed legislation, would be assigned to the position thus indicated have generally been as long in the service as the other fleet officers referred to. The bill, however, proposes to allow to the "fleet officer of marines," while holding that position, only the rank and pay of the grade next above his lineal grade in the Marine Corps, such increase of rank and pay to cease when he is relieved from duty as such fleet officer.

Under existing law all vacancies occurring in the grade of second lieutenant in the Marine Corps must be filled by appointment of graduates from the Naval Academy on completion of their six years' course. The passage of this bill will afford an opportunity for the appointment of surplus graduates who will otherwise be discharged under the act of August 5, 1882, which requires that the number of appointments of cadets to the positions in the lower grades of the line and Engineer Corps of the Navy and of the Marine Corps shall not, in any one year, exceed the number of vacancies in such respective grades which shall have occurred during the year preceding that in which such cadets are graduated and, while providing that there shall be not less than ten appointments in each year, further requires, in case there shall be a surplus of graduates after all appointments in conformity with the act shall have been made, that such surplus graduates shall be given a certificate of graduation and an honorable discharge from the service with one year's sea-pay.

It is more than probable that on the next graduation of cadets at the Naval Academy on completion of the six years' course, viz, in June, 1888, the number of vacancies in the lower grades of the line and Engineer Corps will not exceed ten in all, and, unless the present limit of the number of commissioned officers of the Marine Corps is increased, there will be no vacancies in the grade of second lieutenant in that corps; hence, without the legislation now proposed, the necessity of

discharging a large portion of graduates, as being in excess of the number of vacancies to be filled, will exist in June next. The bill in question will, to a certain extent, obviate this necessity by authorizing the retention in the service of a sufficient number of graduates to fill the vacancies in the grade of second lieutenants which it is proposed to create, but, in the opinion of the committee, the additional appointments thus authorized should be distributed among the graduates of the respective classes of the years 1888, 1889, and 1890, by selections of one-third only in each year, thus giving a larger scope for the selection as well as a reasonable opportunity for the appointment of such cadets, now in the fourth and fifth years of their course, as well as those now in their sixth year and who will be graduated in June next, as may, on final graduation, be found qualified and selected for appointment to this branch of the service. An amendment to this effect is therefore recommended to be inserted at the end of the first section of the bill, as follows, viz:

*And provided further*, That the original vacancies created in the grade of second lieutenant in the Marine Corps by this act shall be filled by selection and appointment, in the manner now required by law, from the graduates of the Naval Academy, as follows: One-third from the class of naval cadets completing their six years' course in June, 1888; one-third from the class of naval cadets completing such course in June, 1889; the remaining vacancies to be filled from the class of naval cadets completing such course in June, 1860.

The following amendments of the second section of the bill are also recommended, viz:

The substitution of a period of "twenty-five years in the service" instead of "twenty-five years and upwards in said corps," as a qualification for appointment to fill vacancies in the respective offices of adjutant, and inspector, and of paymaster; and the substitution of a period of "fifteen years in the service" instead of "fifteen years and upwards in said corps," as a qualification for appointments to fill vacancies in the office of assistant quartermaster. These changes are intended to preserve to line officers who may become eligible for such appointments the benefit of their periods of service, if any, in the volunteer Army or Navy, and to graduates from the Naval Academy receiving the appointment of second lieutenant, the benefit of the period of service embraced in their six years' course.

In the case of assistant quartermasters who, during forty years' service, have not reached the grade of major, it would seem but just to give them that grade on retirement. This object will be effected by the adoption of the following proviso to be inserted at the end of the second section of the bill:

*And provided further*, That assistant quartermasters shall, when retired after forty years' service on the active list, have the rank of major.

In concluding this report your committee deem it proper to refer briefly to some of the considerations which have led to its approval of the legislation contemplated by this bill.

The necessity and usefulness of the Marine Corps as a branch of the naval service, both in war and in peace, is too well established to need, at this time, any argument in its behalf. What is needed, however, is not only that the usefulness and importance of the corps as a military organization should be appropriately and adequately recognized, but that this should be done in such a manner as, at the same time, to increase its efficiency and consequently its ability to render in the future even greater and more valuable service than it has in the past. Your

committee feel confident that both these results will be accomplished by the legislation now proposed.

No military organization, whether in the Army or in the Navy, can do justice to itself or to the country, or be expected to render, at all times, the most effective service of which it is capable, unless it is supplied with the number of officers which experience has shown to be requisite and proper in proportion to its size, as well as with officers whose qualifications and training fit them for the branch of the service with which they are connected, whose faithfulness in the discharge of duty is properly appreciated, and for whose retirement, after long and faithful service, suitable provision is made. These considerations apply to the Marine Corps with as much justice and force as to any other branch of the service, and the fact that the officers of that corps, notwithstanding a suitable recognition of its needs has been so long withheld, have steadily continued their efforts, and have so well succeeded in maintaining the discipline and increasing the efficiency of the corps, is one which tends very strongly to justify a favorable consideration of this bill. The Marine Corps has participated with the Navy in all its engagements, both afloat and ashore, with a degree of credit which has won for it the approbation of the highest and most experienced officers of the Navy, who are in favor of placing it on a basis sufficient in the number of officers and of enlisted men to insure the continuance of its efficiency.

For the various reasons above stated the committee commend this bill to the favorable consideration of the Senate and recommend its passage as amended.

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[Memorandum in relation to the bill "To equalize the grades of officers of the Marine Corps."]

*Statement showing the proportion of officers to enlisted men in the infantry of the Army and in the Marine Corps.*

ARMY.

Under the present organization of companies and regiments of infantry of the Army (reduced force), as appears on page 378 of the official Army Register for January, 1888, there are allowed to each company, consisting of 50 enlisted men, 1 captain and 2 lieutenants; and to each regiment of infantry, composed of 10 companies (500 enlisted men), 1 colonel, 1 lieutenant-colonel, 1 major, 10 captains, and 22 lieutenants, and a force of 2,000 enlisted men (the number now in the Marine Corps in its reduced strength), is divided into 4 regiments, for which the allowance of commissioned line officers is 1 general officer, 4 colonels, 4 lieutenant-colonels, 4 majors, 40 captains, and 88 lieutenants, a total of 141, being 1 officer to 14 men, or—

| | Men |
|---|---|
| 1 general officer to | 2,000 |
| 1 colonel to | 500 |
| 1 lieutenant-colonel to | 500 |
| 1 major to | 500 |
| 1 captain to | 50 |
| 1 lieutenant to | 23 |

MARINE CORPS.

The Marine Corps, in its present reduced strength, has a force of 2,000 enlisted men and but 72 commissioned line officers of all grades, which is one officer to 27 enlisted men, or—

| | Men. |
|---|---|
| 1 colonel commandant to | 2,000 |
| 1 colonel to | 2,000 |
| 1 lieutenant-colonel to | 1,000 |
| 1 major to | 500 |
| 1 captain to, | 100 |
| 1 lieutenant to | 45 |

Under the organization proposed by this bill, the Marine Corps would be allowed but 88 line officers for 2,000 enlisted men, which is one officer to 22 men, or—

| | Men. |
|---|---|
| 1 brigadier-general to | 2,000 |
| 1 colonel to | 500 |
| 1 lieutenant-colonel to | 500 |
| 1 major to | 500 |
| 1 captain to | 80 |
| 1 lieutenant to | 40 |

This bill provides for the same number of line officers for the Marine Corps as was authorized by section 1596, Revised Statutes, which number (88) is 53 less than the number of such officers now allowed for the same force of enlisted men in the infantry of the Army.

*Distribution of line officers of the Marine Corps.*

| | Stations. | Colonels. | Lieutenant-colonels. | Majors. | Captains. | Lieutenants. | Aggregate. |
|---|---|---|---|---|---|---|---|
| | Commandant, Headquarters, Washington | | | | | | 1 |
| 1 | Navy-yard, New York | 1 | | 1 | 2 | 4 | 8 |
| 2 | Navy-yard, Mare Island, Cal | 1 | | | 2 | 2 | 5 |
| 3 | Navy-yard, Boston, Mass | 1 | | | 2 | 2 | 5 |
| 4 | Navy-yard, Norfolk, Va | 1 | | | 2 | 2 | 5 |
| 5 | Navy-yard, Portsmouth, N. H | | 1 | | 2 | 2 | 5 |
| 6 | Navy-yard, Washington, D. C | | 1 | | 2 | 2 | 5 |
| 7 | Navy-yard, League Island, Pennsylvania | | 1 | | 1 | 3 | 5 |
| 8 | Marine Barracks, Washington, D. C | | 1 | | 1 | 2 | 4 |
| 9 | Naval Academy, Annapolis, Md | | | 1 | 1 | 2 | 4 |
| 10 | Navy-yard, Pensacola, Fla | | | 1 | 1 | 2 | 4 |
| 11 | Superintendent of Recruiting | | | 1 | | | 1 |
| 12 | For duty on board ships | | | | 9 | 27 | 36 |
| | | 4 | 4 | 4 | 25 | 50 | 88 |

*Statement showing the amount required for pay of officers on the active list under the present organization and the amount required under the proposed organization:*

| | |
|---|---|
| Pay under the present organization (14 second lieutenants) | $179,850 |
| Pay under the proposed organization (25 second lieutenants) | 225,500 |
| Total increase | 45,650 |

as follows:

| | |
|---|---|
| Under the first section of the bill, including the pay of 16 additional officers. | $39,100 |
| Under the second section | 1,650 |
| Under the third section | 4,900 |
| | 45,650 |
| Less the pay required for 16 additional lieutenants to be appointed | 24,640 |
| The total increase under the bill would be | 21,010 |

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# IN THE SENATE OF THE UNITED STATES.

APRIL 11, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill H. R. 4908.]

*The Committee on Claims, to whom was referred the bill (H. R. 4908) for the relief of the heirs of A. Gates Lee and the heirs of B. P. Lee, deceased, have carefully examined the same, and report:*

This claim has been before the Forty-first, Forty-second, Forty-fourth, Forty-fifth, Forty-seventh, Forty-eighth, Forty-ninth, and Fiftieth Congress. It was reported favorably in the House in the Forty-eighth, Forty-ninth, and Fiftieth Congress. No report was made upon it, or bill introduced in the Senate during the Forty-first, Forty-second, or Forty-fourth Congress. An adverse report was made by the Committee on Claims of the Senate to the Forty-ninth Congress.

Your committee, after having carefully examined the papers in this case, have adopted the House report made to the Fiftieth Congress by the Committee on War Claims of the House of Representatives, believing that it correctly and fairly presents the facts upon which the right of the claimant rests for relief.

That report is as follows:

The petition is presented by A. Gates Lee, as the surviving partner of A. G. & P. B. Lee, and the claim made is for damages sustained by the occupation of real estate by United States troops from October 1, 1861, until about January 1, 1864.

The testimony submitted shows that A. G. & P. B. Lee built a flour mill and appurtenances in the city of Paducah in 1857 or 1858, the whole original cost of which is estimated at $13,400; the machinery, consisting of steam-engine, boilers, etc., being estimated at $6,000. At this mill they conducted their business until 1861, when, they allege, offers were made to them to supply the Confederate troops with flour, in violation of the President's proclamation, at very lucrative prices, which they refused.

Their loyalty is attested by numerous affidavits and statements, one of which asserts that A. G. Lee was excommunicated from his church in the early part of 1861 because of his ardent devotion to the Union.

This mill and premises consisted of the main building, 50 feet long by 30 feet wide, three stories high; a shed two stories high, 50 feet long by 14 feet wide; a warehouse one story high, 100 feet long by 16 feet wide; and two double stables—all frame buildings; two engines and boilers, and three pairs of burrs, eight bolting-cloths, packers, elevators, fans, smut-mills, and the usual apparatus of a merchant flouring-mill; all occupying a lot in Paducah, 98 feet by 165 feet, inclosed by a plank fence.

These were taken possession of October 1, 1861, and occupied as headquarters by General Lew Wallace, and continued to be so occupied by the successive commanders of United States troops stationed there until January, 1864—two years and three months. During this time it is alleged that the mill and buildings were in effect destroyed; that the weather-boarding was taken off; the plank, fences, sheds, and timbers were used by the soldiers.

In October, 1865, J. H. Wilson, captain and assistant quartermaster, under orders from Major-General Donaldson, chief quartermaster of military division of Tennessee,

appointed three citizens of Paducah to investigate and report the amount of damages sustained by the property known as "Linwood Mills" during, and caused by, its occupancy by the military authorities of the United States, and also the amount of rent equitably due for possession of said property. They reported in a few days after their appointment that the monthly rent was worth $75, and by a separate report that the damages sustained were $11,875.

No further proceedings appear until January 29, 1867, when Acting Quartermaster-General D. H. Rucker addressed to the Secretary of War the following:

QUARTERMASTER-GENERAL'S OFFICE,
*Washington, D. C., January* 29, 1867.

SIR: I have the honor to return herewith the inclosed papers relative to the claim of A. G. & R. P. Lee, for damage and destruction of property known as the "Linwood Mills," at Paducah, Ky., referred to this office by the War Department, and to report:

That Bvt. Maj. Gen. J. L. Donaldson, chief quartermaster at Nashville, Tenn., was directed, December 29, 1865, from this office, to pay rent for this property at the rate of $25 per month from the time it was seized by the United States to the time it was vacated.

He was also advised that claims for damages could not be paid from any appropriation under the control of the Quartermaster-General, but that the claimants in such cases must await the action of Congress.

The Acting Quartermaster-General knows of no objection, so far as this office is concerned, to the application of Mr. Frederick Koones, "that the claim be referred to the Claims Commission."

Very respectfully, your obedient servant,

D. H. RUCKER,
*Acting Quartermaster-General, Brevet Major-General.*

Hon. E. M. STANTON,
*Secretary of War, Washington, D. C.*

August 8, 1868, General James A. Hardie, president Commission of Claims, addressed the Secretary of War, saying, after reciting the foregoing letter of General Rucker:

"At the instance of the claimants this case was referred to the Claims Commission, by whom no action appears to have been taken in the premises. The Commission see no sufficient reason for a modification of the action already had in the claim by the Quartermaster-General."

This was approved by Major-General Schofield, Secretary of War, August 12, 1868.

The rent of $25 was never paid by the Government.

That he and his brother had been loyal men; that their property has been taken and used in the public service, and thereby greatly injured; and that proper compensation should be made, the committee think there can be no doubt. Notwithstanding the assessment made by the citizens appointed by the assistant quartermaster, the committee feel at a loss to arrive at a just estimate of the damages. The whole of the buildings and machinery when new are said to have cost $13,400. The machinery is estimated at $6,000.

Your committee are of opinion that the case under consideration is one of great hardship, and recommend that claimants be paid the sum of $675 for rent of said buildings for two years and three months, and report herewith a substitute for the bill and recommend its passage.

The Committee on Claims of the Senate, at the first session of the Forty-ninth Congress, based their adverse report upon the following grounds:

The occupation of the property by the military authorities was not only without any express contract for the payment of rent, but under circumstances which negatived the idea of an implied contract. Such occupation appears to have been under the law of military necessity, which imposes no obligation on the Government to make compensation for its use.

The remainder of the claim is for damage to the property. The Government has never assumed and ought not to assume payment for pillage or wanton depredations by soldiers.

After a consideration of this case your committee are unable to agree with the conclusion reached by the committee at that time, and for the following reasons: The property occupied, and for which rent is claimed, was located in a loyal State, and was owned by a citizen whose loyalty is conclusively proven. He had the right to claim the protection of his

Government, both in his person and in his property, and if the demands of the service required that his property should be used and occupied for offices, store-rooms, etc., under orders of the commanding general, it would be inequitable and unjust to deprive him of fair compensation for its use. No reason can be suggested why one citizen, in a loyal State, who himself was loyal, should be required to bear greater burdens than his fellow-citizen, where that burden results from taking possession of his property, and occupying it for two years and three months for offices, store-rooms, etc., by the agents of the Government. The fact, under such circumstances, of the use and occupancy of the property, raises at once an implied contract to pay a just compensation for its rent. This view is not in conflict with that held in reference to the occupation of property in States in rebellion, nor does it affect the principle that where property is destroyed as the result of military operations no liability rests upon the Government.

Your committee would therefore recommend that H. R. bill 4908, which appropriates $675 for the use and occupancy of this property, do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 933.

# IN THE SENATE OF THE UNITED STATES.

APRIL 11, 1888.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

## REPORT:

[To accompany act H. R. 518.]

*The Committee on Claims, to whom was referred the act (H. R. 518) for the relief of T. J. Edwards, administrator of David Edwards, deceased, have considered the same, and respectfully report:*

The Committee on War Claims of the House of Representatives in the Forty-ninth Congress made the following report upon a bill proposing the same relief as that now proposed, which we submit for the information of the Senate:

[House Report No. 3647, Forty-ninth Congress, second session.]

*The Committee on War Claims, to whom was referred the bill (H. R. 5060) for the relief of T. J. Edwards, having examined the same and accompanying papers, submit the following report:*

The claimant filed in the office of the Quartermaster-General, in the year 1879, a claim for hay, wheat, straw, and lumber, valued at $475, and the same was investigated under the act of July 4, 1864, and the amount of $450 found to be the value of the property taken and used by the Army of the United States under the command of General George W. Morgan.

The Quartermaster-General, November 1, 1881, reported that he had examined said claim and was convinced that it was just and the claimant loyal, and the said property actually received for the use of and used by the Army, and thereupon recommended the same for settlement under section 300, Revised Statutes United States, and section 2 of act approved June 16, 1874, chapter 285.

During the further consideration of said claim in the Third Auditor's Office the said claim was found to be just, but that said claimant was the owner only of the undivided half of said property, and thereupon the Third Auditor recommended the payment of $225, the one-half of said claim, in which recommendation the Second Comptroller concurred.

Thereupon said sum so found due the claimant was included in the appropriation act of 1882 of the 4th July claims, and was subsequently paid June 9, 1882.

The action of the Third Auditor was based on some showing that claimant owned but one-half of the property when taken, the other half belonging to his brother, Thomas Edwards, deceased.

Additional evidence has been filed clearly establishing the fact that David Edwards was the sole owner of the claim during the pendency of it before the accounting officer of the Treasury, having become the owner of his brother's share in 1874, upon settlement of the mutual accounts between the claimant and the estate of his brother Thomas. It is evident to your committee that this entire claim would have been allowed on said investigation and paid to claimant if proof had been made of his interest, and as the claim is just and the heirs of Thomas disclaim any interest in it, and the proof shows the claimant's right to it, your committee recommend the passage of the accompanying bill.

It should be added that it appears that the property taken belonged to the intestate and his brother Thomas as partners, Thomas having

died, the whole of the partnership property, including this claim, vested in David Edwards as surviving partner. In addition to that, it appears from the testimony of R. H. Jones, esq., who acted as legal adviser of the parties, that a division was made between David Edwards and the representatives of the deceased brother of the property of the partnership with the agreement that this claim should wholly remain and belong to David.

Your committee therefore agree with committee of the House of Representatives and recommend that the act do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 934.

# IN THE SENATE OF THE UNITED STATES.

APRIL 11, 1888.—Ordered to be printed.

Mr. BROWN, from the Committee on Foreign Relations, submitted the following

## REPORT:

[To accompany bill H. R. 639.]

*The Committee on Naval Affairs, to whom was referred the bill (H. R. 639) providing that Commander John W. Philip should be authorized to accept a silver pitcher tendered to him by the Government of the United States of Colombia, beg leave to report as follows:*

A reference to the letters and documents from the Secretaries of the State and Navy Departments, presented herewith, will show that, on the request of the Colombian Government, Commander Philip was detailed, on the 10th of January, 1884, to inspect a revenue cutter built for that Government at Wilmington, Del., and that Commander Philip rendered that service to the satisfaction of that Government, which, in token of its appreciation of the manner in which the duty was performed, tendered to him the silver pitcher referred to. The committee are of the opinion that, under the circumstances, the consent of Congress may very properly be given to the acceptance of the gift by Commander Philip.

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DEPARTMENT OF STATE,
*Washington, January* 12, 1886.

SIR: I have the honor, at the instance of the Colombian minister here, and with the approval of the Secretary of the Navy, to ask that Congressional action may be taken to enable Commander John W. Philip, U. S. Navy, to accept a silver pitcher from the Colombian Government, in recognition of his service in inspecting, in 1884, the revenue cutter Boyaca for that Government.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

The Hon. JOHN F. MILLER, etc.,
*Committee on Foreign Relations, Senate.*

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NAVY DEPARTMENT,
*Washington, January* 30, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant, and beg to inclose herewith a copy of the Department's order, dated December 10, 1883, to Commander John W. Philip, U. S. Navy, directing him to proceed to Wilmington, Del., and inspect the revenue cutter *Boyaca*, built by the Pusey and Jones Company, of that city, for the Colombian Government, together with copies of all other papers bearing upon the subject on file in this Department.

I have the honor to be, sir, your obedient servant,

W. C. WHITNEY,
*Secretary of the Navy.*

Hon. JOHN SHERMAN,
*Acting Chairman Senate Committee on Foreign Relations.*

DEPARTMENT OF STATE,
*Washington, November* 5, 1883.

SIR: I have the honor to bring to your consideration the inclosed copy of a dispatch from the minister of the United States at Bogota, of September 30 last, preferring the request of the Colombian Government that a naval officer of the United States be detailed to inspect a revenue cutter now being built at Wilmington, Del., for Colombia, before its final acceptance by the Government. I transmit, at the same time, a paper containing the contract for the construction of the vessel in question, and will thank you to return the same for our files when you will have made such use of the paper as your Department thinks advisable.

I have the honor to be, sir, your obedient servant,

W. HUNTER,
*Acting Secretary.*

Hon. WILLIAM E. CHANDLER,
*Secretary of the Navy.*

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No. 112.] UNITED STATES LEGATION,
*Bogota, September* 30, 1883.

SIR: I beg to inclose herewith a copy and translation of a note which I have received from the Colombian minister for foreign affairs, dated the 25th instant, and to earnestly express the hope that the request therein made may be granted by the Navy Department. I inclose also the copy of the Diar. Oficial referred to in the minister's note, and likewise a copy of my note to him, dated the 26th instant.

I have the honor to be, sir, your obedient servant,

WILLIAM L. SCRUGGS.

Hon. FRED'K T. FRELINGHUYSEN,
*Secretary of State, Washington, D. C.*

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[Inclosure 2 in No. 112.—Translation.]

BOGOTA, *September* 25, 1883.

SIR: The executive power has arranged, through the home department, that the coasting vessel, contracted for in the name of the Colombian Government, by Señor Miquel Camacho Roldeu, of New York, with Messrs. Pusey, Jones & Co., of Wilmington, Del., be received under the inspection and report of a naval officer of the United States, in order that by this means there may be nothing wanting in the fulfillment of the contract, and that the vessel should satisfy the needs of the public service for which it is destined.

To this end, the executive power hopes that the Government of the United States will kindly lend the aid of one of its naval officers for the purpose indicated, and, in order to obtain this courtesy, I direct this note to your excellency, accompanied by the number of the Diario Oficial in which the contract is published.

I beg that your excellency be pleased to communicate the contents of this note to the Department of State at Washington, for the information and consideration of his excellency the President of the United States of America, and also, should this request be granted, to have communicated at the same time to Señor Miquel Camacho Roldan, in New York, the name of the naval officer that may be designated, and the date on which the examination of the vessel can take place.

In the name of the national executive I present, for transmission to your excellency's Government, his expressions of the most sincere thanks, and for yourself the assurances of my most distinguished consideration.

I remain, your excellency's very attentive servant,

ANTONIO ROLDAN.

To his excellency WILLIAM L. SCRUGGS,
*Minister Resident of the United States of America.*

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[Inclosure 3 in No. 112.]

UNITED STATES LEGATION,
*Bogota, September* 26, 1883.

Mr. SECRETARY: I have had the honor to receive your excellency's polite note of yesterday (and also the number of the Diario Oficial to which it refers) relative to the revenue-cutter now being built in the United States for and on account of the Colom-

bian Government. It shall be my care to transmit the same to my Government by the mail of the 30th instant, and I doubt not that the request therein so courteously made will be most cheerfully granted by the President.

With renewed assurances of my most distinguished consideration, I have the honor to remain your excellency's most obedient servant,

WILLIAM L. SCRUGGS.

To his excellency Dr. ANTONIO ROLDAN,
*Secretary for Foreign Affairs of the United States of Colombia.*

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NAVY DEPARTMENT,
*Washington, November* 14, 1883.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, bringing to my attention the request of the Colombian Government that an officer of the Navy be detailed to inspect a revenue-cutter being built at Wilmington, Del., for Colombia, and inclosing a copy of a dispatch from the minister of the United States at Bogota, together with a copy of the Diario Oficial of Bogota, in which the contract is published.

In reply I have pleasure in informing you that this Department will detail an officer to inspect the steamer being built for the Colombian Government by the Pusey and Jones Company, with instructions to carefully examine and report whether or not the specifications of the contract have been complied with.

The officer selected will be ordered to proceed with the inspection when this Department is informed that the vessel is ready. The copy of the Diario Oficial will be returned to the Department of State as soon as the report shall have been completed.

I am, sir, your obedient servant,

ED. T. NICHOLS,
*Acting Secretary of the Navy.*

Hon. FREDERICK T. FRELINGHUYSEN,
*Secretary of State.*

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DEPARTMENT OF STATE,
*Washington, November* 20, 1883.

SIR: I have the honor to transmit herewith, in connection with my letter to you of the 16th instant, the inclosed copy of one addressed to me by Mr. Roldan, of the 17th instant, relative to the revenue-cutter now building at Wilmington, Del., for the Colombian Government, and whose inspection by a naval officer of the United States is desired by that Republic.

I have the honor to be, sir, your obedient servant,

FRED'K T. FRELINGHUYSEN.

Hon. WM. E. CHANDLER,
*Secretary of the Navy.*

[Inclosure.]

NEW YORK, *November* 17, 1883.

SIR: I have the honor to acknowledge the receipt of your esteemed favor of the 16th instant, relative to the inspection of the revenue-cutter, now building for the Government of the United States of Colombia, by an officer of the Navy of the United States, and in reply thereto beg to say that I am at present unable to name the precise date on which she will be in readiness, but will at once communicate with the builders, and upon receipt of their reply will advise your Department of the date on which she will be completed and ready for inspection.

I am, sir, yours, very respectfully,

M. CAMACHO ROLDAN.

Hon. FREDERICK T. FRELINGHUYSEN,
*Secretary of State, Washington, D. C.*

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D.

DEPARTMENT OF STATE,
*Washington, January* 7, 1884.

SIR: I have now the honor to apprise you, in connection with the Department's communication to you of November 16 last, of the receipt of a letter of the 4th instant (a copy of which is herewith inclosed), from Mr. M. Comacho Roldan, stating

that the revenue steamer built at the yard of the Pusey and Jones Company, Wilmington, Del., for the United States of Colombia, is now ready for and awaiting inspection, as desired by that Government, by an officer of the United States Navy, before the formal acceptance of the steamer by Colombia.

I have the honor to be, sir, your obedient servant,

JOHN DAVIS,
*Acting Secretary.*

Hon. WILLIAM E. CHANDLER,
*Secretary of the Navy.*

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NEW YORK, *January* 4, 1884.

SIR: I beg to refer to your esteemed favor of November 17th ultimo, also to my reply thereto of the following day's date, and to advise you that the revenue steamer built at the yard of the Pusey and Jones Company, Wilmington, Del., for the Government of the United States of Colombia, is now ready for and awaiting inspection by an officer of the United States Navy detailed for that purpose by request of the said Government of the United States of Colombia made through your Department.

I have the honor to be, sir, your obedient servant,

M. CAMACHO ROLDAN,
Per J. N. VAN SICKEL.

Hon. FREDERICK T. FRELINGHUYSEN,
*Secretary of State, Washington, D. C.*

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NAVY DEPARTMENT,
*Washington, D. C., January* 10, 1884.

SIR: Application having been made by the Government of the United States of Colombia that a steam revenue cutter built by the Pusey and Jones Company, of Wilmington, Del., may be inspected by a United States naval officer, for the purpose of determining whether the specifications and the contract between the Government have been carried out, and whether the vessel is likely to fulfill the conditions required of her as a revenue cutter, you have been selected for that duty.

The Department having been notified that the steamer has been completed and is now awaiting inspection by an officer of the United States Navy, you will proceed without delay to New York, and put yourself in communication with Señor M. Comacho Roldan, 87 Wall street (P. O. box 1609), and arrange with him the time for making the necessary steam trials and examinations.

From New York you will proceed to Wilmington, Del., and having acquainted the Pusey and Jones Company with the tenor of your instructions, and having received authority from them, make careful examinations of the steam-vessel built under contract with the Government of the United States of Colombia, a copy of which is contained in the Diario Oficial, published in Bogota May 19, 1883, herewith inclosed.

After having thoroughly examined the above-mentioned steamer, under way and at the dock, you will report to this Department whether or not the steamer fulfills the terms of the specifiations and contract, and whether or not the vessel is likely to prove efficient in the service for which she is intended.

Should you find that the terms of the contract have not been carried out you will so inform the Department, stating wherein the specifications have not been complied with.

Be pleased to return to the Department the inclosed copy of the Diario Oficial when you shall have finished the examination of the steamer.

Upon the completion of this duty return to your home and await orders.

This employment on shore duty is required by the public interests, and such service will continue until February 10, 1884, unless it is otherwise ordered.

Very respectfully,

W. E. CHANDLER,
*Secretary of the Navy.*

Commander J. W. PHILIP, U. S. N.,
*Washington, D. C.*

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NAVY DEPARTMENT,
*Washington, January* 17, 1884.

SIR: I have the honor to inclose herewith, in connection with your letter of the 7th instant, notifying this Department "that the revenue steamer built at the yard of the Pusey and Jones Company, Wilmington, Del., for the United States of Columbia, is now ready for and awaiting inspection," a copy of an order to Commander J. W.

Philip, U. S. Navy, and a copy of his report upon the inspection of the steamer Boyaca, built by the Pusey and Jones Company, Wilmington, Del., for the Government of the United States of Colombia. I also inclose, as requested in your letter of the 5th of November last, the copy of the Diario Oficial, published in Bogota, forwarded therewith.

Very respectfully, your obedient servant,

WM. E. CHANDLER,
*Secretary of the Navy.*

Hon. FREDERICK T. FRELINGHUYSEN,
*Secretary of State.*

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NEW YORK, *January* 16, 1884.

SIR: In obedience to your order of January 10, I have carefully examined the steamer *Boyaca*, built by the Pusey and Jones Company, of Wilmington, Del., for the Government of the United States of Colombia, and respectfully submit the followin report:

The steamer was in the water, coaled and provisioned, and about ready for her sea voyage, consequently I could not make that examination of her under-water portion, viz, stem, stern-post, rudder-post, rudder sheathing, etc., that the specifications called for, but all parts of the vessel attainable were carefully examined and measured and found to be in strict accordance with the specifications, and very neatly and well constructed.

Owing to ice in river and creek, is was impracticable to get the vessel under way, Señor Roldan agreeing with me that it would be best to dispense with that part of the examination.

A "dock-trial" was had, when the engines ran very smoothly, noiselessly, and with but little vibration, thus showing evidences of careful construction from good material with promises of giving entire satisfaction. In examining and encasuring about the vessel, if discrepancies exist they are in favor of the steamer; for instance, both anchors and chains are larger and heavier than the specifications call for, and the boats are life-boats instead of the ordinary yard-built cutters.

On questioning the captain and chief engineer they told me that, so far as they were able to judge, the best of material had been used in the construction of the hull and engines, and that the company (Pusey & Jones) had been most liberal in the supply of stores and supplies, both in regard to quantity and quality.

After the above examinations I am able to report that the steamer *Boyaca* fulfills the terms of the specifications and contract, and I am of the opinion that she will prove most efficient in the service for which she is intended.

I return herewith the copy of the Diario Oficial.

Hoping my report will meet with the approval of the Department, I remain, sir,

Very respectfully,

JNO. W. PHILIP,
*Commander, United States Navy.*

Hon. W. E. CHANDLER,
*Secretary of the Navy.*

In view of the facts set forth in the foregoing correspondence the committee recommend the passage of the bill.

The Committee on Foreign Relations of the Senate adopt the foregoing report of the House committee, and recommend the passage of the bill.



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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 935.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany S. R. 58.]

*The Committee on Military Affairs, to which was referred the resolution (S. R. 38) donating useless cannon and muskets to the Guilford Court-House Battle-Ground Association of North Carolina, have duly considered the same, and submit the following report:*

Your committee referred the resolution to the Secretary of War for information and report, and received in reply the following letter and accompanying report from the Chief of Ordnance:

WAR DEPARTMENT,
*Washington City, March 29, 1888.*

SIR: In response to your request of the 16th instant for information on Senate resolution 58, Fiftieth Congress, first session, to donate useless cannon and muskets to the Guilford Court-House Battle-Ground Association, of North Carolina, I have the honor to invite attention to the inclosed copy of the report of the Chief of Ordnance on the subject, submitted under date of the 22d instant, which, it is believed, affords the information desired.

I concur in the opinion that the trophies referred to should not be allowed to pass out of the custody of the United States Government.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. F. M. COCKRELL,
*United States Senate.*

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ORDNANCE OFFICE, *Washington, March 22, 1888.*

Respectfully returned to the Secretary of War.

The following is a list of the only Revolutionary relics in possession of the Department:

*At Frankford Arsenal.*—One 3-pounder gun; eight 24-pounder Coehorn mortars.

*At New York Arsenal.*—Two 12-pounder cast-iron guns; one 12-pounder gun; one 24-pounder Coehorn mortar.

*At Rock Island Arsenal.*—One 6-pounder gun.

*At Watervliet Arsenal.*—Two 3-pounder guns; two 4-pounder guns; twenty-two 6-pounder guns; one 9-pounder gun; eleven 12-pounder guns; nine 8-inch howitzers; nine 5.62-inch howitzers; five 6.5-inch howitzers; two 10-inch mortars; one 12-pounder Coehorn mortar; two 24-pounder Coehorn mortars; two 8-inch Coehorn mortars; one 10-inch Coehorn mortar.

*At West Point Military Academy.*—Two 4-pounder guns, nine 6-pounder guns, one 12-pounder gun, one 8-inch howitzer, one 10-inch mortar, seven 4.75-inch Coehorn mortars, one 5.5-inch Coehorn mortar, four 24-pounder Coehorn mortars, one 24-pounder iron gun.

Seventeen of the guns reported as at West Point are at Washington's Headquarters, Newburgh, N. Y. These guns have not been considered as coming within the donations made by Congress for monumental and other purposes.

It would seem to me that these trophies should be kept as relics, under the special care and custody of the General Government, in token of the heroic struggle for our independence as a nation.

All the cannon captured during the late war have already been donated by Congress for monumental and other purposes.

There are ninety-two field guns and mortars—trophies of the Mexican war—deposited at the West Point Military Academy.

S. V. BENÉT,
*Brig. Gen., Chief of Ordnance.*

From the foregoing it clearly appears, as so often heretofore reported by your committee, that "all the cannon captured during the late war have already been donated by Congress for monumental and other purposes." There are now no useless or condemned cannon undisposed of.

The trophies of the Revolutionary and Mexican wars have been for many years in the special care and keeping of the General Government, and if they are donated to one battle-ground association they must be donated to others, and very soon all of them will have passed from the care and custody of the General Government to these private associations, and in time their identity be lost.

In the judgment of your committee they should all remain where they have so long been carefully preserved.

Your committee therefore report back to the Senate the resolution, and recommend that it be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 936.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 2016.]

*The Committee on Military Affairs, to which was referred the bill (S. 2016) for the relief of William Wolff, have duly considered the same, and submit the following report:*

This bill directs the Secretary of the Treasury to pay to William Wolff, late first lieutenant Company D, One hundred and seventy-eighth Regiment New York Volunteer Infantry, the pay and allowances of a second lieutenant of infantry, from February 16, 1863, until June 16, 1863.

This claim to be valid must be based on the facts that he was either a second lieutenant of infantry, or performed the duties of such a lieutenant.

Your committee referred the bill to the Secretary of War, and received the following reply and accompanying report of the Adjutant-General:

WAR DEPARTMENT,
*Washington City, March* 31, 1888.

SIR: In reply to the request of your committee, dated the 5th instant, for the views of the Department upon Senate bill No. 2016, Fiftieth Congress, first session, authorizing payment to William Wolff, late first lieutenant Company D, One hundred and seventy-eighth New York Volunteers, of the pay and allowances of a second lieutenant from February 16, 1863, to June 16, 1863, I have the honor to invite attention to the inclosed report of the 29th instant from the Adjutant-General, which contains such information as is afforded by the records in this case.

Very respectfully, your obedient servant,

JOHN TWEEDALE,
*Chief Clerk.*
*In the absence of the Secretary of War.*

Hon. J. R. HAWLEY,
*Chairman Committee on Military Affairs, United States Senate.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, March* 29, 1888.

SIR: I have the honor to return herewith Senate bill No. 2016, Fiftieth Congress, first session, for the relief of William Wolff, late of the One hundred and seventy-eighth New York Infantry Volunteers, submitted by Senate Committee on Military Affairs, with request to be furnished with the views of the Department thereon, and to report as follows:

William Wolff was mustered into service as first lieutenant with Company D, One hundred and seventy-eighth New York Infantry Volunteers, June 19, 1863, and is borne as such, "present for duty," to date of his discharge, October 15, 1863.

He never was commissioned as a second lieutenant of said regiment, but on February 16, 1863, received authority from the State of New York to enroll volunteers for an organization then known as the "Defenders," which later became part of the One hundred and seventy-eighth New York Volunteers.

It appears from recruiting accounts certified to by Mr. Wolff, that he enrolled forty-two men from February 21, 1863, to June 14, 1863; the muster-in rolls, however, of the One hundred and seventy-eighth New York Volunteers show that he enlisted only nineteen men from March 6, 1863, to June 15, 1863.

During the period mentioned in the inclosed bill the One hundred and seventy-eighth New York Volunteers was in process of organization, and therefore under control of the State authorities, and no vacancy could exist for a second lieutenant in Company D prior to completion by enrollment to the minimum number, or muster into the service of the United States.

There is nothing of record in the Department to sustain the action proposed by this bill.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

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From the foregoing report of the Adjutant-General it is clear that Mr. Wolff was not a second lieutenant of infantry and did not perform the duties of such an officer.

On February 16, 1863, he received authority from the State of New York to enroll volunteers for a military organization known as the "Defenders," which afterward became a part of the One hundred and seventy-eighth Regiment New York Volunteers. He was simply recruiting and duly presented his recruiting accounts, claiming to have recruited forty-two men from February 21, 1863, to June 14, 1863, while the muster-in rolls show he only recruited nineteen men from March 3, 1863, to June 15, 1863, and up to the last date was acting wholly under State authorities of New York.

On July 27, 1861, Congress passed an act entitled "An act to indemnify the States for expenses incurred by them in defense of the United States," which appropriated an indefinite amount of money for that purpose, and many millions of dollars were placed in the hands of the War Department to pay expenses "for enrolling, subsisting, clothing, supplying, arming, paying, and transporting" State troops employed and to be employed in aiding to suppress the rebellion.

It appears from the report of the Adjutant-General that Mr. Wolff presented his recruiting account and was doubtless paid therefor, or if not paid it was his own fault. The War Department had authority to allow his accounts, and the State of New York was promised re-imbursement, and could, and doubtless did, pay all claims considered by the proper State authorities just and proper.

Congress at this late day can not undertake to investigate, audit, and pay such claims.

Your committee therefore report the bill back to the Senate, and recommend that it be indefinitely postponed and the claim therein made be not allowed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 937.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 4082.]

The Committee on Military Affairs, to which was referred the bill (H. R. 4082) for the relief of the Agricultural and Mechanical College at Auburn, Ala., herewith filed, adopt the report of House committee, and recommend the passage of the bill.

[House Report No. 217, Fiftieth Congress, first session.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 4082) for the relief of the Agricultural and Mechanical College of Alabama, having had the same under consideration, submit the following report:*

It appears that in March, 1886, said college received from the Ordnance Department of the United States, for use in the college, 130 Springfield cadet rifles, with accouterments, and 130 headless shell extractors. The trustees of the college gave their bond to the Government for the preservation and return of these arms and shell extractors in good order when called for by the Secretary of War.

On June 24, 1887, the main college building, containg the arms and shell extractors aforesaid, was destroyed by fire, one rifle only of the entire lot of Government property having been saved. The Ordnance Department demanded from the college the sum of $2,685.80 in payment of the arms and accouterments, etc., thus destroyed; whereupon the trustees applied to the Sectretary of War to be relieved from their liability on the bond given by them as above stated. This the Secretary of War declined to do on the ground that it was not within his power.

The college building, which was totally destroyed, was valued at $100,000, and for this loss only $40,000 insurance was received. The origin of the fire is not known. No negligence or fault for it, therefore, can be imputed to the college authorities or to any persons in their employ. In legal acceptation it was caused by the act of God. Whether under the circumstances of this case the trustees are legally liable for the arms in question may admit of doubt. Aside from the legal aspect of the case, the committee believe that the relief contemplated by the bill ought to be granted. This educational institution has already suffered a loss of $60,000, and in the opinion of the committee it would be a great hardship to encumber it with the additional loss involved in the amount demanded by the Government.

Your committee, therefore, report back to the House the said bill, and recommend its passage.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 938.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1379.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1379) to increase the pay of chaplains in the United States Army, having considered the same, report as follows:*

At a former day of the present session this committee, having under consideration the bill (S. 2104) to define the qualifications, duties, rank, and pay of chaplains in the United States Army, referred the same to the Secretary of War for the views of the Department, and in reply received a communication from the Secretary inclosing a report from the Adjutant-General, dated March 15, 1888, in which the following appears:

> Regarding the increase of pay proposed, it is believed that if there is any class of officers in the Army whose pay is much out of proportion to that received by the corresponding class in civil life, and who are liberally paid for the services which they perform, or which would be expected of them under this bill, it is the chaplains of the Army.

Concurring in this view, your committee recommend that the bill (S. 1379) be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 939.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 2135.]

*The Committee on Military Affairs, to whom was referred the bill (S. 2135) for the relief of Richard W. McMullin, having considered the same, report as follows:*

It appears from the subjoined communications from the War Department that the claimant, having been enlisted August 22, 1862, and mustered into service for three years, was discharged from service for disability November 10, 1862.

On December 13, 1864, he was drafted into the service for one year, and exempted from personal service upon furnishing an acceptable substitute January 4, 1865.

The basis of the claim appears to be, that having been discharged from a former service in 1862, the claimant should not have been drafted, and this your committee do not consider sufficient to justify the passage of the bill. Therefore, they recommend that it be indefinitely postponed.

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WAR DEPARTMENT,
*Washington City, March* 10, 1888.

SIR: In reply to your request of the 5th instant for information upon Senate bill 2135, Fiftieth Congress, first session, to provide for the relief of Richard W. McMullin, for compensation of $700, alleged to have been paid for a substitute during the late war, I have the honor to inclose a report of the 8th instant from the Adjutant-General's Office, and its accompanying paper, which, it is believed, afford the information desired.

Very respectfully, your obedient servant,

S. V. BENÉT,
*Brig. Gen., Chief of Ordnance, and Act'g Secretary of War.*

Hon. J. R. HAWLEY,
*Chairman Committee on Military Affairs, United States Senate.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, March* 8, 1888.

SIR: I have the honor to return herewith a bill (S. 2135) for the relief of Richard W. McMullin, for compensation of $700, alleged paid by him for a substitute furnished the Union Army during the late war, referred for information by the Senate Committee on Military Affairs, and respectfully invite your attention to a copy of the report

made upon a similar bill (H. R. 6613) Fiftieth Congress, first session, transmitted to the chairman of the House Committee on Military Affairs, by letter of the Secretary of War, dated February 18, 1888, appended herewith.

I am, sir, very respectfully, your obedient servant,

J. C. KELTON,
*Assistant Adjutant-General.*

The SECRETARY OF WAR.

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, February* 15, 1888.

SIR: I have the honor to return herewith the letter of Hon. W. J. Stone, M. C., chairman Committee on War Claims, dated on the 7th instant, inclosing a bill (H. R. 6613) for the relief of Richard W. McMullin, by refunding $700, the amount alleged paid by him for a substitute upon being drafted into service in 1864, and to report as follows:

It appears from the records of this office that Richard McMullin was enlisted at De Soto, Jefferson County, Mo., August 22, 1862; mustered into service for three years September 10, 1862, for Company C, Thirty-first Regiment Missouri Volunteers, and discharged from service for disability, at hospital Jefferson Barracks, Mo., November 10, 1862.

It also appears from the records of the late Provost-Marshal-General United States, on file in this office, that Richard C. (the name Richard W. not borne) McMullen was drafted into service for one year from the eighth subdistrict of Jefferson County, Second Congressional district, Missouri, December 13, 1864, and was exempted from personal service by the board of enrollment of said district, upon furnishing an acceptable substitute, January 4, 1865.

It further appears of record that a similar claim for the return of $750, substitute money, was referred to this office February 2, 1876, by Hon. R. P. Bland, M. C., on the ground that claimant had been discharged for disability from a former service in 1862, and should not therefore have been drafted. This claim was returned to the honorable Secretary of War, February 3, 1876, with report showing that there was no law or authority known to this office under which a claim against the Government for the money paid for a substitute, as within stated, could be considered. The previous ruling of the Department is still adhered to.

The acts of Congress dated February 28, 1867, and March 1, 1869, were for the relief of certain drafted persons who had been twice drafted and each time held to service, or who had been illegally drafted, or who should have been exempted under the rulings of the War Department. Claims of this nature are barred by limitation.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 940.

IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 1461.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1461) to correct the military record of Michael Healy, late of Company C, Eighth New Hampshire Infantry Volunteers, have examined the same, and report:*

This is a case where the claimant, then first sergeant of his company, received a commission from the governor of his State to the second lieutenancy of that company. He was assigned to duty as second lieutenant, and performed such duty from June 2, 1864, the date of his commission, to the date of his discharge, January 17, 1865. He was not mustered into the service of the United States under his commission, because the command was below the minimum allowed by law for the muster of three commissioned officers.

This class of claimants is very numerous, and their merits, standing as they do upon the same facts, are equal. If it is deemed now proper policy to correct the muster of these persons and allow them the pay and emoluments of second lieutenants, it should be done by a general law.

The indefinite postponement of the bill is recommended.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 941.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 166.]

After a careful examination of the papers in this case your committee feel constrained to dissent from the opinion of the House committee on the same subject. The case, in brief, is this:

William Thompson, after having been a corporal and sergeant in the Third Michigan Infantry, was promoted to be principal musician January 1, 1866, and was mustered out as such May 25, 1866. On the 28th day of November, 1865, the office of lieutenant of the company became vacant by the promotion of Charles Kempster to the first lieutenancy, and upon that date this claimant was assigned by the colonel to do the duties of second lieutenant, which he performed until he was mustered out, drawing, however, the pay of principal musician. It is stated that he subsequently received a commission from the governor of the State of Michigan as second lieutenant, the said commission bearing date June 12, 1866, but by its terms to take effect June 1, 1865, which, it will be observed, was issued some three weeks after he was mustered out. He was, of course, never mustered in as second lieutenant, and never could have been, under the circumstances.

While your committee have no doubt that this was a most deserving soldier, and performed the duties of second lieutenant faithfully, yet, never having assumed towards that office any duties or responsibilities for which the Government could hold him responsible, he should be considered to be that which in fact he was, a non-commissioned officer, and it is recommended that the bill be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 942.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 2279.]

*The Committee on Military Affairs, to which was referred the bill (S. 2279) to provide for supplying the national cemetery near Fort Scott, Kans., with water, have examined the same, and report:*

Your committee concur with the opinion of the Quartermaster-General, expressed in the following letter, recommending the indefinite postponement of the above bill.

The SECRETARY OF WAR:

SIR: I have the honor to return herewith Senate bill 2279, appropriating $15,000 to provide for supplying the national cemetery near Fort Scott, Kas., with water.

This cemetery, second class, is situated about 1½ miles southeast of the center of the town, about 500 yards east of the Gulf Railroad, and contains about 10 acres. Number of interments, 582. The civil engineer, Quartermaster's Department, reports that the present water-supply at the cemetery, derived from a cistern holding 12,000 gallons and from an inexhaustible well, is ample for all the purposes of the cemetery, including irrigation in the dry season. Last year a wind-mill and large tank were erected, and some pipe laid for this purpose. With some additional pipe and an expenditure of, say, $250, a complete supply for irrigation can be established throughout the cemetery. The plant is reported to be in good order and working satisfactorily.

In course of time, when the water company's pipes have been extended to the immediate neighborhood of the cemetery and a connection can be made at a cost of a few hundred dollars, it may be worth while to introduce their water, provided the yearly charge is reasonable, but there does not seems to be at present any necessity justifying so large an expenditure as that proposed.

I concur in the report and views of the civil engineer.

Very respectfully, your obedient servant,

S. B. HOLABIRD,
*Quartermaster-General, U. S. Army.*

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 943.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany S. Res. 64.]

*The Committee on Military Affairs, to whom was referred the joint resolution (S. Res. 64) authorizing the Secretary of War to sell and convey to the Minneapolis, Sault Sainte Marie and Atlantic Railway Company certain portions of the military reservation at Sault Sainte Marie, Mich., have examined the same, and report:*

The following letter from the Secretary of War briefly indicates the condition of the title to the lands sought to be affected by this joint resolution:

WAR DEPARTMENT,
*Washington City, March 24, 1888.*

SIR: I have the honor to invite your attention to the remarks on the subject of the purchase of land at Sault Sainte Marie, as contained on page 17 of my last annual report, in which it was stated that "the purchase of grounds for a military post near the village of Sault Sainte Marie, Mich., under act approved July 8, 1886, has been delayed by difficulties arising about the title to the land tendered to the United States by Thomas Ryan. The offer of Mr. Ryan was accepted, but pending the examination of the title by the Attorney-General, Mr. Ryan sold a strip of land 80 feet wide through the center of the tract to the village of Sault Sainte Marie. An adjustment of the difficulties arising from his action has not yet been reached."

The Lieutenant-General reports upon the subject as follows:

"Until some conclusion is arrived at with reference to the title of the entire property that the Government proposed to purchase for a new post at Sault Sainte Marie, I do not believe that a proposition to sell any portion of it should be considered."

The views of the Lieutenant-General are concurred in by this Department.

Your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. J. R. HAWLEY,
*Chairman Committee on Military Affairs, U. S. Senate.*

There have been submitted also to your committee on behalf of Thomas Ryan the papers in the matter of his petition to the President of the United States for the cancellation of the deed, which the Government maintains, but which he denies, vests the title to the property in the Government of the United States. Accompanying this petition is a brief upon the legal questions involved. Without expressing any opinion upon these questions, it is sufficient to observe that they present objections of a serious character to the rights and equities of the United States in this property, and fully justify the opinion of the Lieutenant-General quoted in the above letter from the Secretary of War.

The indefinite postponement of the resolution is recommended.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 944.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 955.]

*The Committee on Military Affairs, to whom was referred the bill (S. 955) to amend the record of the Eleventh Regiment Rhode Island Volunteers in regard to the service of Captain Amos C. Weeden, having had the same under consideration, beg leave to submit the following report:*

This is a bill to authorize the recognition and discharge of Amos C. Weeden as a captain of the Eleventh Rhode Island Volunteers, from November 6, 1862, to December 27, 1862.

It will be seen from the papers hereunto annexed that there is nothing on the records of the Department to show that Weeden ever rendered any service, or was connected with the Eleventh Rhode Island Volunteers, and that, moreover, no continuous vacancy existed for a captain in the regiment from October 1, 1862, date of its organization, to March 3, 1863.

Weeden claims that there was a vacancy in the grade of captain in that regiment caused by the promotion of Nathan F. Moss. The departmental records show that Nathan F. Moss, captain Company H, Eleventh Rhode Island Volunteers, was promoted and mustered into service as major November 5, 1862, but his vacancy was filled by the promotion of First Lieutenant Joel Metcalf, of the same company, who was mustered in as captain January 1, 1863.

Your committee have heretofore uniformly reported against all cases of this character (although equally as meritorious as this one), and do not feel warranted in making an exception in the bill under consideration. They therefore report the bill back to the Senate adversely, and recommend its indefinite postponement.

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, February 27, 1888.*

SIR: I have the honor to return herewith a letter (not signed) from the Hon. J. D. Cameron, of Committee on Military Affairs, United States Senate, dated the 19th ultimo, inclosing, for any suggestions the Department may desire to make concerning the same, a bill (S. 955, Fiftieth Congress, first session) to authorize the recognition and discharge of Amos C. Weeden as a captain of the Eleventh Rhode Island Volunteers, and to report as follows:

The records of this office show that Amos C. Weeden was enrolled and mustered into service June 6, 1861, as a private in Capt. William H. Reynold's Light Battery,

Second Rhode Island Volunteers (subsequently Company A, First Rhode Island Lihgt Artillery), to serve three years; transferred to William B. Weeden's battery (C), First Rhode Island Light Artillery, August 25, 1861, and appointed quartermaster-sergeant of that battery.

While serving in that grade, he was commissioned by the governor of Rhode Island, April 22, 1862, as second lieutenant Sixth Rhode Island Volunteers; but as that regiment failed to complete its organization, and as, consequently, no command existed for him, he could not be mustered in on his commission. He was, however, assigned to duty April 25, 1862, as acting assistant quartermaster for the batteries of General Porter's First Division, Third Army Corps, in division orders of that date, and served as such until July 26, 1862, when he tendered his resignation on account of ill health, but no action appears to have been taken thereon.

There is no record of any service rendered by him between date of tender of resignation and November 16, 1862, on which latter date he was announced as assistant quartermaster on the staff of Brig.-Gen. Charles Griffin, commanding First Division, Fifth Army Corps, and on the return of that command, dated November 30, 1862, he is reported as "Captain Sixth Rhode Island Volunteers and acting assistant quartermaster."

On November 6, 1862, the governor of Rhode Island commissioned Mr. Weeden as captain Sixth Rhode Island Volunteers, but he was never mustered as such, for the reason hereinbefore given for his non-muster as a second lieutenant, same regiment.

He served as acting assistant quartermaster, First Division, Fifth Army Corps, from November 16, 1862, to March 1, 1863, when he again tendered his resignation, accompanied by surgeon's certificate, on account of ill health, and was thereupon honorably discharged March 3, 1863, as captain Sixth Rhode Island Volunteers.

It further appears that he was appointed a captain and assistant quartermaster of United States Volunteers November 26, 1862, by the President; that the appointment was confirmed by the Senate February 19, 1863; that he was commissioned as such March 12, 1863, to rank from date of appointment; that he declined the commission, and that the same was returned to this office August 27, 1863.

From the foregoing, it will be seen that Mr. Weeden was an enlisted man from June 6, 1861, to April 22, 1862; that he acted as second lieutenant from April 25, 1862, to July 27, 1862; that he acted as captain and assistant quartermaster from November 16, 1862, to March 3, 1863, and that he was commissioned captain and assistant quartermasterof United States Volunteers March 12, 1863, to rank from November 26, 1862, and declined it.

The Paymaster-General of the Army has reported that Mr. Weeden was paid as second lieutenant Sixth Rhode Island Volunteers, from March 1, 1862, to September 30, 1862, and that there is no record of any payment to him in the grade of captain.

December 3, 1886, Mr. Weeden requested recognition as second lieutenant and captain Sixth Rhode Island Volunteers, and on December 16, 1886, he was informed that, under existing laws, he could not be recognized as an officer of an organization that had no existence; that there was nothing of record to show that even a single company was raised for the Sixth Rhode Island Volunteers, and that no person could be recognized or mustered as a company or regimental commissioned officer unless a command existed for him to which he could be commissioned.

Copies of letters showing the action of the Department on his claim for recognition are herewith.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, February* 17, 1887.

SIR: I have the honor to return herewith communication of Mr. A. C. Weeden, referred by you to this office with request to be informed whether or not he can be recognized as a captain of the Eleventh Rhode Island Infantry Volunteers from November 6, 1862.

In reply I have to inform you that Amos C. Weeden was commissioned second lieutenant and captain Sixth Rhode Island Volunteers, to date April 22, 1862, and November 6, 1862, respectively; but he was never mustered into service as of those grades, for the reason that the Sixth Rhode Island Volunteers failed to complete its organization.

He appears, however, to have entered upon duty as acting assistant quartermaster of the batteries of First Division, Third Army Corps, on April 25, 1862, and to have subsequently served as acting assistant quartermaster of Griffin's brigade, First Division, Fifth Army Corps, and First Division, Fifth Army Corps, to March 3, 1863, when

his resignation as captain Sixth Rhode Island Volunteers was accepted by Special Orders No. 46, Fifth Army Corps, same date.

There is nothing of record to show that Mr. Weeden ever rendered any service, or was connected with the Eleventh Rhode Island Volunteers. Moreover, no continuous vacancy existed for a captain in the regiment from October 1, 1862, date of its organization, to March 3, 1863.

Reference is made in the inclosed communication to a vacancy in the grade of captain, Eleventh Rhode Island Volunteers, caused by the promotion of Nathan F. Moss.

The records show that Nathan F. Moss, captain Company H, Eleventh Rhode Island Volunteers, was promoted and mustered into service as major November 5, 1862, but his vacancy was filled by the promotion of First Lieut. Joel Metcalf, of the same company, who was mustered in as captain January 1, 1863.

It will be seen, therefore, that no relief can be afforded by this office to Mr. Weeden, under the provisions of the act approved June 3, 1884, or the act amendatory thereof approved February 3, 1887.

It is proper to add that all the facts connected with the services of Mr. Weeden were reported to the Commissioner of Pensions for his consideration, but it would appear that his claim for pension, No. 209047, as a commissioned officer has been denied, for the reason that his services as such can not be legally recognized by the Department by a muster into service.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

Hon. G. F. HOAR,
*United States Senate, Washington, D. C.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, April* 21, 1887

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant relative to the case of Amos C. Weeden, who was commissioned but failed to secure recognition as captain Sixth Rhode Island Volunteers, inclosing decision of the governor, and order issued thereunder, amending the record so as to recognize said Weeden as having been commissioned as of the Eleventh Rhode Island Volunteers, with request that the records of this office be made to conform therewith.

In reply I regret to inform you that the request can not be favorably entertained, as, aside from the fact that the name of Amos C. Weeden is not borne on any records of the Eleventh Rhode Island Volunteers on file in this office, and there is nothing of record to show that he rendered any service or was connected therewith, action, at this late date, by State authorities, amending or issuing commissions for service rendered in the volunteer forces during the late war, seems to me to have no legal effect.

It is proper to add that, although every disposition has been shown by the Department to recognize the very faithful and valuable services rendered by Mr. Weeden, it is found that such relief as he may be equitably entitled to can only be afforded by Congressional legislation.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The ADJUTANT-GENERAL OF RHODE ISLAND,
*Providence.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, August* 8, 1887.

SIR: In compliance with the request contained in your letter of the 13th of May last, I have the honor to transmit herewith a draft of a bill, which, it is believed, will fully cover your claim for pay for services rendered by you as of the grade of captain and assistant quartermaster with the First Division, Fifth Corps, Army of the Potomac.

It is proper to add that, as you have received the pay and allowances of a second lieutenant for the period you appear to have rendered service in that grade, and as you have been pensioned by special legislation for disability contracted while serving as captain, it will be seen that all relief to which you are equitably entitled on account of said services is fully provided for in the proposed bill.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

Capt. AMOS C. WEEDEN,
*Jamaica Plain, Mass.*

Second Rhode Island Volunteers (subsequently Company A, First Rhode Island Lihgt Artillery), to serve three years; transferred to William B. Weeden's battery (C), First Rhode Island Light Artillery, August 25, 1861, and appointed quartermaster-sergeant of that battery.

While serving in that grade, he was commissioned by the governor of Rhode Island, April 22, 1862, as second lieutenant Sixth Rhode Island Volunteers; but as that regiment failed to complete its organization, and as, consequently, no command existed for him, he could not be mustered in on his commission. He was, however, assigned to duty April 25, 1862, as acting assistant quartermaster for the batteries of General Porter's First Division, Third Army Corps, in division orders of that date, and served as such until July 26, 1862, when he tendered his resignation on account of ill health, but no action appears to have been taken thereon.

There is no record of any service rendered by him between date of tender of resignation and November 16, 1862, on which latter date he was announced as assistant quartermaster on the staff of Brig.-Gen. Charles Griffin, commanding First Division, Fifth Army Corps, and on the return of that command, dated November 30, 1862, he is reported as "Captain Sixth Rhode Island Volunteers and acting assistant quartermaster."

On November 6, 1862, the governor of Rhode Island commissioned Mr. Weeden as captain Sixth Rhode Island Volunteers, but he was never mustered as such, for the reason hereinbefore given for his non-muster as a second lieutenant, same regiment.

He served as acting assistant quartermaster, First Division, Fifth Army Corps, from November 16, 1862, to March 1, 1863, when he again tendered his resignation, accompanied by surgeon's certificate, on account of ill health, and was thereupon honorably discharged March 3, 1863, as captain Sixth Rhode Island Volunteers.

It further appears that he was appointed a captain and assistant quartermaster of United States Volunteers November 26, 1862, by the President; that the appointment was confirmed by the Senate February 19, 1863; that he was commissioned as such March 12, 1863, to rank from date of appointment; that he declined the commission, and that the same was returned to this office August 27, 1863.

From the foregoing, it will be seen that Mr. Weeden was an enlisted man from June 6, 1861, to April 22, 1862; that he acted as second lieutenant from April 25, 1862, to July 27, 1862; that he acted as captain and assistant quartermaster from November 16, 1862, to March 3, 1863, and that he was commissioned captain and assistant quartermasterof United States Volunteers March 12, 1863, to rank from November 26, 1862, and declined it.

The Paymaster-General of the Army has reported that Mr. Weeden was paid as second lieutenant Sixth Rhode Island Volunteers, from March 1, 1862, to September 30, 1862, and that there is no record of any payment to him in the grade of captain.

December 3, 1886, Mr. Weeden requested recognition as second lieutenant and captain Sixth Rhode Island Volunteers, and on December 16, 1886, he was informed that, under existing laws, he could not be recognized as an officer of an organization that had no existence; that there was nothing of record to show that even a single company was raised for the Sixth Rhode Island Volunteers, and that no person could be recognized or mustered as a company or regimental commissioned officer unless a command existed for him to which he could be commissioned.

Copies of letters showing the action of the Department on his claim for recognition are herewith.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, February* 17, 1887.

SIR: I have the honor to return herewith communication of Mr. A. C. Weeden, referred by you to this office with request to be informed whether or not he can be recognized as a captain of the Eleventh Rhode Island Infantry Volunteers from November 6, 1862.

In reply I have to inform you that Amos C. Weeden was commissioned second lieutenant and captain Sixth Rhode Island Volunteers, to date April 22, 1862, and November 6, 1862, respectively; but he was never mustered into service as of those grades, for the reason that the Sixth Rhode Island Volunteers failed to complete its organization.

He appears, however, to have entered upon duty as acting assistant quartermaster of the batteries of First Division, Third Army Corps, on April 25, 1862, and to have subsequently served as acting assistant quartermaster of Griffin's brigade, First Division, Fifth Army Corps, and First Division, Fifth Army Corps, to March 3, 1863, when

his resignation as captain Sixth Rhode Island Volunteers was accepted by Special Orders No. 46, Fifth Army Corps, same date.

There is nothing of record to show that Mr. Weeden ever rendered any service, or was connected with the Eleventh Rhode Island Volunteers. Moreover, no continuous vacancy existed for a captain in the regiment from October 1, 1862, date of its organization, to March 3, 1863.

Reference is made in the inclosed communication to a vacancy in the grade of captain, Eleventh Rhode Island Volunteers, caused by the promotion of Nathan F. Moss.

The records show that Nathan F. Moss, captain Company H, Eleventh Rhode Island Volunteers, was promoted and mustered into service as major November 5, 1862, but his vacancy was filled by the promotion of First Lieut. Joel Metcalf, of the same company, who was mustered in as captain January 1, 1863.

It will be seen, therefore, that no relief can be afforded by this office to Mr. Weeden, under the provisions of the act approved June 3, 1884, or the act amendatory thereof approved February 3, 1887.

It is proper to add that all the facts connected with the services of Mr. Weeden were reported to the Commissioner of Pensions for his consideration, but it would appear that his claim for pension, No. 209047, as a commissioned officer has been denied, for the reason that his services as such can not be legally recognized by the Department by a muster into service.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

Hon. G. F. HOAR,
*United States Senate, Washington, D. C.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, April* 21, 1887

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant relative to the case of Amos C. Weeden, who was commissioned but failed to secure recognition as captain Sixth Rhode Island Volunteers, inclosing decision of the governor, and order issued thereunder, amending the record so as to recognize said Weeden as having been commissioned as of the Eleventh Rhode Island Volunteers, with request that the records of this office be made to conform therewith.

In reply I regret to inform you that the request can not be favorably entertained, as, aside from the fact that the name of Amos C. Weeden is not borne on any records of the Eleventh Rhode Island Volunteers on file in this office, and there is nothing of record to show that he rendered any service or was connected therewith, action, at this late date, by State authorities, amending or issuing commissions for service rendered in the volunteer forces during the late war, seems to me to have no legal effect.

It is proper to add that, although every disposition has been shown by the Department to recognize the very faithful and valuable services rendered by Mr. Weeden, it is found that such relief as he may be equitably entitled to can only be afforded by Congressional legislation.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The ADJUTANT-GENERAL OF RHODE ISLAND,
*Providence.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, August* 8, 1887.

SIR: In compliance with the request contained in your letter of the 13th of May last, I have the honor to transmit herewith a draft of a bill, which, it is believed, will fully cover your claim for pay for services rendered by you as of the grade of captain and assistant quartermaster with the First Division, Fifth Corps, Army of the Potomac.

It is proper to add that, as you have received the pay and allowances of a second lieutenant for the period you appear to have rendered service in that grade, and as you have been pensioned by special legislation for disability contracted while serving as captain, it will be seen that all relief to which you are equitably entitled on account of said services is fully provided for in the proposed bill.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

Capt. AMOS C. WEEDEN,
*Jamaica Plain, Mass.*

AN ACT for the relief of Amos C. Weeden.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Amos C. Weeden, out of any moneys in the Treasury not otherwise appropriated, the pay and allowances of a captain of infantry from November 16, 1862, to March 3, 1863, for services rendered during that period, as of the grade of captain and assistant quartermaster with the First Division, Fifth Corps, Army of the Potomac.

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, August* 24, 1887.

SIR: In reply to your communication of the 15th instant, I have the honor to inform you that the Department is powerless to grant your request for recognition as captain Eleventh Rhode Island Volunteers, as there is no authority of law to warrant the recognition of any person as an officer of an organization with which he has rendered no service and upon the rolls of which his name does not appear.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

Capt. AMOS C. WEEDEN,
*Jamaica Plain, Mass.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 945.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1201.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1201) to restore Chaplain C. M. Blake, United States Army, to rank and pay, having had the same under consideration, beg leave to submit the following report:*

The facts in this case are briefly stated as follows:

Charles M. Blake was assigned to duty as post chaplain in 1867 (having previously served as captain in a regiment of colored troops, and been wounded in the head in battle at Morris Island).

In December, 1868, while suffering from his old wound, he became, as he claims, insane, and tendered his resignation, which was accepted, to take effect March 17, 1869.

In July, 1870, the President nominated, and the Senate confirmed, Rev. Alexander Gilmore to be post chaplain, vice Blake, resigned, to rank as such from July 2, 1870.

In 1874 Blake claims that he recovered his reason.

On September 28, 1878, President Hayes ordered Blake's restoration as a post chaplain, with his original date of rank and with pay from May 14, 1878, and the order therefor was issued by the Department.

Subsequently Blake brought suit against the United States in the Court of Claims for pay due him from April 28, 1869, the date of the order accepting his resignation, to May 14, 1878, the date of the order purporting to restore him to the service, and that court, and the Supreme Court on appeal, decided against Blake.

The Supreme Court decided—

I. That Blake ceased to be a post chaplain in the Army of the United States by and through the President's displacing him by and with the concurrence of the Senate.

II. That the act of displacement was the nomination and confirmation of Alexander Gilmore.

III. That as to the question of pay, etc., for the period between April 28, 1869 (date of last payment to Blake), and July 2, 1870 (date Gilmore took rank), even if it were conceded that Captain Blake did not cease to be an officer in the Army by reason of the acceptance of his resignation tendered, etc., yet he could not recover in his said suit, as the United States had, under the act of Congress in regard to the jurisdiction of the United States Court of Claims, interposed a valid plea of the statute of limitations, and the courts were bound to sustain it.

IV. That President Hayes's action and the order for Blake's restoration thereunder were ineffectual to make him a post chaplain in the Army; that he could not again become such except upon a new appointment by and with the advice and consent of the Senate.

On May 28, 1881, President Garfield nominated Blake to be, and the Senate confirmed him as, a post chaplain in the Army, and he thereby became such with the rank appropriate thereto by a new appointment, as indicated by the Supreme Court, and clothed with all legal rights incident to such position from the date such new appointment took effect; to wit, May 20, 1881.

The Pay Department, which had recognized and paid Blake as chaplain from May 14, 1878 (the date of Hayes's order), at once stopped the pay of Blake under his new commission until the amount theretofore paid (from May 14, 1878, to May 20, 1881) should be re-imbursed to the Government.

Blake then applied to Congress for relief, and the following law was enacted:

CHAPTER 31.—AN ACT for the relief of Charles M. Blake, a chaplain in the United States Army.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed, in the settlement of the accounts of Charles M. Blake, a post chaplain in the United States Army, to allow him credit for all pay and allowances paid to or received by him as a post chaplain in the United States Army *from May fourteenth, eighteen hundred and seventy-eight, to May twentieth, eighteen hundred and eighty-one: Provided, That no pay shall be allowed or credit given for service for any purpose for the period from July second, eighteen hundred and seventy, to May fourteenth, eighteen hundred and seventy-eight; and that said Blake shall accept the terms of this act in full satisfaction and discharge of any and all claims of every kind on his part against the United States growing out of his connection or alleged connection as chaplain or post chaplain.*

Approved, January 23d, 1885.

It will thus be seen—

(1) That Blake has been sufficiently remunerated by the Government for his services.

(2) That the law of 1885 expressly stipulated that he should not receive pay "for the period from July 2, 1870, to May 14, 1878," the time he was out of service.

(3) That the amount he received by the law of 1885 was to be "in full satisfaction and discharge of any and all claims of every kind on his part against the United States;" and

(4). That Blake is not entitled to the pay which he claims from April 28, 1869, to May 14, 1878, as Rev. Alexander Gilmore had, during that period, discharged the duties of post chaplain and received the pay therefor.

For these reasons your committee report the bill back adversely to the Senate, and recommend its indefinite postponement.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 946.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1753.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1753) to muster Edward G. Pendleton as lieutenant of infantry into the service of the United States, and pay him for his services from August 31, 1861, to July 10, 1864, inclusive, having had the same under consideration, beg leave to submit the following report:*

The committee in reporting this bill adversely simply adhere to their uniform rule in declining to recommend the payment of money to officers who were not actually commissioned by competent authority and mustered into the service of the Army. The allowance of this claim would be a precedent for thousands of similar cases. The letter of the Secretary of War, hereto attached, shows that the records of the Adjutant-General's Office had been examined, but that *no record or mention of Mr. Pendleton had been found*, and "that there are several reports from General Stahel" (on whose staff he claims to have served as a volunteer aid) "in which he gives, as he states, a full list of his aids, etc., *but in none of these does Mr. Pendleton's name appear.*"

Your committee, therefore, report the bill back to the Senate adversely and recommend its indefinite postponement.

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WAR DEPARTMENT,
*Washington City, March 26, 1888.*

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, inclosing Senate bill 1753, Fiftieth Congress, first session, to muster Edward G. Pendleton, as lieutenant of infantry, in the service of the United States, and to pay him for his services from August 31, 1861, to July 10, 1864, inclusive, and requesting the views of the Department upon the bill, and such facts as may be of record bearing upon the case.

In reply I beg to state that House Report No. 385, in the present Congress, refers to and adopts House Report No. 2205, Forty-ninth Congress, first session, stating that evidence had been presented that Mr. Pendleton served as a volunteer aid to General Julius Stahel, and was wounded, etc. The records of the Adjutant-General's Office, including all reports of General Stahel on file, have been examined, but no record or mention of Mr. Pendleton is found. There are several reports from General Stahel, in which he gives, as he stated, a full list of his aids, etc., but in none of these does Mr. Pendleton's name appear. If this gentleman was attached to any particular regiment of volunteers, and did actually render service with it, it is possible that the records of such regiment might show the fact; but upon the information supplied by the bills and reports from Congress no evidence of service can be found.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. J. D. CAMERON,
*Of Committee on Military Affairs, U. S. Senate.*

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 947.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill H. R. 2465.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 2465) for the relief of the heirs of John F. Shorter, having had the same under consideration, beg leave to submit the following report:*

Your committee see no reason for changing its decision in this case since they had it under consideration in the first session, Forty-ninth Congress, at which time they made the following adverse report:

[Senate Report No. 147, Forty-ninth Congress, first session.]

*The Committee on Military Affairs, to whom was referred the petition of the heirs of John F. Shorter, asking pay for services of said Shorter as lieutenant of the Fifty-fifth Regiment Massachusetts Volunteer Infantry from March 24, 1864, to July 1, 1865, having had the same under consideration, beg leave to submit the following report:*

The following is a report from the Adjutant-General's Office concerning this case:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, February 8, 1886.*

SIR: I have the honor to return herewith petition of the heirs of John F. Shorter, submitted to the Department by the Hon. J. D. Cameron, of Committee on Military Affairs, United States Senate, for the recognition of said Shorter as second lieutenant, Fifty-fifth Massachusetts Volunteers, from March 24, 1864, to July 1, 1865, with view to secure the pay of the grade during that period, and to report as follows:

John F. Shorter was enrolled and mustered into service June 11, 1863, at Readville, Mass., as private Company D, Fifty-fifth Regiment Massachusetts Volunteers (colored), to serve three years or during the war. On the muster-rolls of Company D of that regiment from organization to October 31, 1863, he is reported first sergeant present; appointed first sergeant June 24, 1863; November and December, absent, "furlough thirty days"; December 31, 1863, to April 30, as present; April 30 to August 31, present, with remarks: "commissioned second lieutenant awaiting muster"; September and October, present; October 31, 1864, to February 28, 1865, absent; "severely wounded at the battle of Honey Hill, S. C., November 30, 1864; absent sick in United States general hospital, Beaufort, S. C."; March and April, present. *He was discharged as first sergeant June 30, 1865, and was mustered in as second lieutenant Company K, same regiment, to date July 1, 1865,* upon "commission from the governor of Massachusetts, dated March 24, 1864." He was mustered out of service with company August 29, 1865.

*From the foregoing it will be seen that John F. Shorter did not perform the duty as second lieutenant prior to July 1, 1865, the date of actual muster in as such, and, therefore, his case does not fall within the provisions of the act approved June 3, 1884, entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces."*

Sergeant-Major James M. Trotter and First Sergeant William H. Dupree, same regiment, were mustered in as second lieutenants, the former to date June 7, 1865, and the latter to date June 21, 1865, upon commissions from the governor of Massachusetts, dated April 10, 1864, and May 30, 1864, respectively.

Under provisions of the act approved June 23, 1870, the proper accounting officer of the Treasury was authorized and directed to pay to James M. Trotter and William H. Dupree, sergeant-major and sergeant, Fifty-fifth Massachusetts Volunteers, the pay and allowances of a second lieutenant from April 10 and May 30, 1864, respectively; but this action it would seem was taken without the usual call upon this Department for the facts of record.

There is nothing of record in this office that would support the petition of the heirs of Mr. Shorter.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The Hon. SECRETARY OF WAR.

In view of the facts above set forth, your committee are of opinion that the prayer of the petitioner ought not to be granted, and therefore report adversely thereon, and ask to be discharged from the further consideration of the petition.

Your committee again report the bill back adversely and recommend its indefinite postponement.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 948.

# IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1888.—Ordered to be printed.

Mr. KENNA, from the Committee on Commerce, submitted the following

# REPORT:

[To accompany bill S. 2613.]

*The Committee on Commerce, to whom was referred the bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia, have had the same under consideration and beg leave to report:*

Within the last six years the Chesapeake and Ohio Railroad has been completed, and Newport News is the sea-board port of said road, which now constitutes a part of a great transcontinental system, extending from Newport News to San Francisco, Minneapolis, New Orleans, and all the great inland cities of the West. The completion of said road has within the last year doubled the business of said port. We file as an appendix hereto a statement of the last year's business there, which shows that even now, although a very young city, it outranks some of the older ports, like Norfolk, as a commercial center.

The waters of Hampton Roads, which is the finest roadstead in the world, are much nearer Newport News than any other port of entry on the Atlantic coast, Norfolk being the next nearest.

In addition to the commerce which is cleared to and from Newport News, Norfolk, and the interior ports on James River, there are several thousand vessels which enter Hampton Roads to await orders and seeking freight.

The point in the waters at Hampton Roads at which most vessesl cast anchor is about 4 to 6 miles from Newport News, which can be reached at any time in half an hour, the trains running very frequently from Fortress Monroe, or by buggy, it being a good drive over a splendid road, or by boat, the ship's officer being pulled up in his own boat.

The statutes (R. S., sec. 2774) require all vessels which cast anchor or remain over forty-eight hours in the waters of any port to report to the collector, and before leaving to clear regularly, etc.

All the waters of Hampton Roads now belong to the fifth collection district, of which Norfolk is the port of entry. Norfolk is about 18 miles from the anchor-ground of said roadstead, and vessels which are compelled to report at Norfolk are frequently detained three or four days in consequence thereof, while, if they were allowed to report at Newport News, they could clear and be underway in two hours.

The only public way to reach Norfolk from this anchoring ground is by boat from Fortress Monroe, which leaves (the latest) at 11 a. m., and

if orders are received after that they must lie over until the next day. The morning mail is not received or delivered until after this boat leaves.

The result is that the commerce of the whole country is obstructed and delayed in consequence of the law as it now stands. A bill of similar import was introduced into the last Congress, referred to this committee, and submitted to the honorable Secretary of the Treasury for his opinion thereon, and the bill H. R. 1890 to the present Secretary. They reported favorably thereon. We append their letters as part of this report.

The committee reported favorably the bill to the House (see report 3908, Forty-ninth Congress, second session).

Other propositions looking to the same end have been brought to the attention of the committee, and the Department has no objections to the plan they propose, but we do not believe they are either wise or just.

This proposition has been submitted to some of the largest ship owners and shippers in New York City, and they cordially indorse it, and petition its passage.

Inasmuch as it is but a fair and equitable recognition of all local interests, and an emancipation of commerce from some of the unnecessary restrictions with which it is now fettered, the committee recommend the passage of the bill.

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(*Statement of business transactions at the port of Newport News during the year ended December* 31, 1887.)

*Vessels entered and cleared at the custom-house.*

| | ENTERED. | | | | CLEARED. | | | |
|---|---|---|---|---|---|---|---|---|
| | From foreign ports. | | Coastwise. | | For foreign ports. | | Coastwise. | |
| | *No.* | *Tons.* | *No.* | *Tons.* | *No.* | *Tons.* | *No.* | *Tons.* |
| Foreign vessels | 45 | 73,120 | 269 | 319,101 | 286 | 374,596 | 18 | 15,683 |
| American vessels | 1 | 117 | 202 | 303,058 | 34 | 42,163 | 181 | 269,704 |
| Total | 46 | 73,237 | 471 | 622,159 | 320 | 416,759 | 199 | 285,387 |

| | Number. | Tons. |
|---|---|---|
| Grand total entered | 517 | 695,396 |
| Grand total cleared | 519 | 702,146 |

The above does not include the large fleet of coasting vessels, estimated at 2,000, that are not required to enter at the custom-house.

EXPORTS.

| | |
|---|---|
| Domestic exports | $9,650,437 |
| Foreign commodities | 2,320 |
| Total | 9,652,757 |

This does not include the large quantity of coal, taken on board foreign-bound vessels for fuel, estimated at 80,000 tons, $370,000.

FOREIGN IMPORTS.

*Entered for consumption.*

| | |
|---|---|
| Free commodities | $60,783 |
| Dutiable commodities | 416,292 |
| Total | 477,075 |
| Amount of duty paid | 150,535 |

*Imports entered for immediate transportation to interior ports.*

| | |
|---|---|
| To Chicago | $176,749 |
| To Saint Louis | 121,072 |
| To Richmond | 74,500 |
| To Louisville | 26,533 |
| To Indianapolis | 14,821 |
| To Saint Joseph | 14,074 |
| To Cincinnati | 12,234 |
| To Milwaukee | 10,030 |
| To Toledo | 1,576 |
| To Saint Paul | 6,896 |
| To Kansas City | 360 |
| To Atlanta | 426 |
| Total | 453,771 |
| Total value of all imports | $930,846 |
| Number of immigrants arrived | 912 |
| Tonnage tax collected | $3,273 |

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TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, D. C., February* 6, 1888.

SIR: I have the honor to acknowledge the receipt of your communication of the 21st ultimo, transmitting, for an expression of my views thereon, copy of House bill No. 1890, entitled "A bill to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia."

A similar bill was introduced in the last Congress, and in response for a request for an expression of views thereon this Department, on January 18, 1887, transmitted a communication on the subject to Hon. John H. Reagan, chairman Committee on Commerce, House of Representatives. I inclose a copy of said communication and concur in views therein expressed.

Respectfully yours,

HUGH S. THOMPSON,
*Acting Secretary.*

Hon. W. L. CLARDY,
*Chairman Committee on Commerce, House of Representatives.*

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TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, D. C., January* 18, 1887.

SIR: Referring to Department's letter of the 28th ultimo in relation to House bill 10347, entitled "A bill to change the boundaries of the fourth collection district of Virginia, and for other purposes," you are informed that the Department has received communications from Hon. G. D. Wise and Hon. G. E. Bowden further in relation to the subject, and making certain suggestions with reference to said bill.

Mr. Wise suggests that the legislation on this subject be such as to give to vessels destined for either the ports of Newport News or Norfolk free and unrestricted means of entrance and egress.

Upon a further consideration of the subject the Department is of opinion that this may be accomplished by providing that the district of Newport News shall comprise all the waters and shores from the point forming the south shore of the mouth of the Rappahannock River, along the coast of the Chesapeake Bay to Back River Light; thence to a point south of Old Point Comfort, midway in the channel of Hampton Roads; thence in a southwesterly direction to Pig Point; thence along the south shore of the James River to a point on the peninsula formed by the James

and York Rivers opposite Williamsburgh, and thence across said peninsula to the south bank of the York River.

As stated in Department's letter of the 28th ultimo, it is suggested that paragraph 5 of section 2552 of the Revised Statutes, as amended by the act approved June 15, 1882, and which relates to the boundaries of the district of Norfolk and Portsmouth, be amended so as to comprise all the waters and shores within the State of Virginia, southward of the district of Yorktown, as above described, and not included in the districts of Petersburgh and Richmond.

Respectfully yours,

D. MANNING,
*Secretary.*

Hon. JOHN H. REAGAN,
*Chairman Committee of Commerce, House of Representatives*

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 949.

# IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1888.—Ordered to be printed.

Mr. HARRIS, from the Committee on the District of Columbia, submitted the following

# REPORT:

[To accompany bill H. R. 5683.]

The Committee on the District of Columbia adopts the following House report:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5683) authorizing the Commissioners of the District of Columbia to complete a contract for the sale of certain real estate to Job Barnard, respectfully report that they have had the same under consideration, and find that on the 12th day of June, 1877, Job Barnard entered into a contract in writing with the then Commissioners of the District whereby the said Commissioners leased and demised unto the said Barnard a piece or strip of land known "as the north 20 feet of lots 8 and 9, block 3, of Howard University subdivision of Effingham Place," which strip of land immediately adjoins the property whereon the said Barnard resides, reserving a yearly rental of $20. The lease further provides that the Commissioners shall at any time during the continuance of the lease, when vested by law with the power to sell the land therein demised, sell and convey the land so leased to the said Barnard at the rate and price of 20 cents per square foot; that under the provisions of this lease the said Barnard entered into possession of the premises, improved the same, and erected thereon a barn, and ever since that date has been, and now is, in the occupancy and possession thereof; that the yearly rent reserved has been paid to the Commissioners semi-annually. The said Barnard now desires to complete the contract for the sale of said land, and perfect his title to the same. The bill has been referred to the present Commissioners of the District, who recommend favorable action thereon.

Your committee are of the opinion that the bill is proper and just; they therefore report it back to the House with the recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 950.

# IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, submitted the following

## REPORT:

[To accompany bill H. R. 1070.]

This bill passed the House on the 21st of March. The following is the report of the House committee, which is adopted:

The facts upon which this claim is based are set out in full in the annexed letter of the Postmaster-General and affidavit of claimant.

This bill was reported favorably by the Committee on Claims of the Forty-ninth Congress.

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POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
*Washington, D. C., January 26, 1887.*

SIR: In reply to your communication of the 22d instant, which is herewith returned as requested, transmitting a copy of bill for the relief of J. A. Wilson, postmaster at Troy, Tenn., and requesting a reply "indicating what will be just and right in the premises," I have the honor to inform you that the facts in the case, as appears from the papers filed in this Department, are as follows:

On January 31, 1885, Mr. Wilson mailed to the postmaster at Memphis, Tenn., in a registered letter, money-order funds to the amount of $560 (not $570, as stated in the affidavit transmitted to you), which funds were described in a "tracer" sent by him along the route of transit as consisting of "1 fifty-dollar bill, 17 twenties, and 17 tens." In the course of transit, the letter containing the remittance came into the possession of Frank McKaskill, a mail carrier, by whom it was rifled and its contents stolen.

McKaskill was arrested, tried, and convicted of the offense, and was sentenced to three years' imprisonment at hard labor in the penitentiary at Chester, Ill. At the time of McKaskill's arrest there were recovered from him $517.35 of the said funds, which were deposited to Mr. Wilson's credit, leaving as the amount of the actual loss sustained $42.65. The discrepancy between the latter amount and the amount claimed by Mr. Wilson is probably accounted for by the fact that a private letter, containing $10, registered by Mr. Wilson at the same time, was also stolen by McKaskill.

The loss is one of a class for which the Postmaster-General is authorized to allow credit under the provisions of the act of Congress approved March 17, 1882 (22 Stat., 22); but no claim was filed by Mr. Wilson within three months from the date of the loss, as required by said act, and, consequently, no action has been had thereon by the Department.

The act referred to authorizes allowance of credit for money-order funds lost or stolen in transit to the office of deposit, provided that such funds were remitted "in compliance with the instructions of the Postmaster-General," among which are the following, viz (Postal Laws and Regulations, sec. 1081):

"Every dollar of money-order funds, in excess of a sum equal to the amount of the unpaid advices on hand less than two weeks, must be remitted daily to the designated post-office of the first class where the postmaster shall have been instructed to make his deposits," etc.

From the accounts filed by Mr. Wilson it appears that during the week ended January 31, 1885, he made but four remittances of money-order funds, including the one in question, amounting in the aggregate to $1,215, but, as the accounts do not show the amount of unpaid advices on hand at any given date, it is impossible to state whether other remittances should have been made, under the regulation referred to, or not, and this can only be ascertained by inspection of Mr. Wilson's books, which has not been made heretofore, for the reason, as stated above, that no claim for credit was made within the period prescribed by the statute.

Very respectfully,

WM. F. VILAS,
*Postmaster-General.*

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I, J. A. Wilson, postmaster at Troy, Obion County, Tenn., in the year 1885, did on the 31st day of January, 1885, remit to the postmaster at Memphis, Tenn., $570, which amount left my office in good order. And between Troy and Rieves the mail sack was cut open and rifled of its contents, but by diligent work the thief was caught and $517.35 was found on his person, and the said amount, $517.35, was delivered to the postmaster at Rieves, and was forwarded to the Department at Washington by the postmaster at Rieves, and the Department at Washington sent me receipt for only $517.35, which leaves an amount due me by the Department of $52.65, which amount I respectfully ask to be allowed me, as I am justly entitled to same.

J. A. WILSON.

STATE OF TENNESSEE,
*Obion County:*

Personally appeared before me, J. J. Lancaster, an acting justice of the peace for said county, J. A. Wilson, who made oath in due form of law that the above statement is true, and that Post-Office Department is justly due him the sum of $52.65.

Sworn to and subscribed before me this January 19, 1887.

J. J. LANCASTER,
*Justice of the Peace.*

STATE OF TENNESSEE,
*Obion County:*

I, D. H. Dalby, was called upon by J. A. Wilson, late postmaster at Troy, Obion County, Tenn., on the 31st day of January, 1885, to witness the remittance of amount of money to postmaster at Memphis, Tenn., which amount was $570, which said amount I counted and placed in envelope, and I sealed the same up and placed it in a mail sack, and the same left the post-office at Troy in good order.

D. H. DALBY.

STATE OF TENNESSEE,
*Obion County:*

Personally appeared before me, J. J. Lancaster, an acting justice of the peace for said county, D. H. Dalby, who made oath in due form of law that the above statement made by him is true.

Sworn to and subscribed before me this 19th January, 1887.

J. J. LANCASTER, *J. P.*

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 951.

# IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, submitted the following

# REPORT:

[To accompany bill S. 577.]

The Committee on Post-Offices and Post-Roads, to which was referred the bill (S. 577) for the relief of the American Grocer Association, have had the same under consideration, and after a careful investigation of all the facts in the case, adopt the following report, previously made by this committee:

The law of July 12, 1876, for the transmission of matter through the mails, in section 15 provides "that transient newspapers and magazines, regular publications, designed primarily for advertising purposes, or free circulation, or circulation at nominal rates," etc., "shall be transmitted in the mails at the rate of one cent for every two ounces and one cent for each two additional ounces or fractional part thereof." By the act of Congress approved June 23, 1874, "newspapers mailed from a known office of publication, issued weekly or oftener, and addressed to regular subscribers, shall be charged two cents a pound or fraction thereof."

On the 5th day of July, 1877, the Postmaster-General decided that the paper called "The American Grocer" was not entitled to the lower rates of postage, to wit, two cents per pound, upon the ground that it was "designed primarily for advertising purposes"; and the company were therefore compelled to pay for the month of July and August, 1877, the sum of $648. Upon a rehearing the Postmaster-General determined that his first decision was erroneous, and that said paper should be subject only to the lower rate of postage, to wit, two cents per pound. The amount paid by "The American Grocer Association" was, as has been stated, $648. Under the lower rates it would have been $162. Deducting that sum from $648, it appears that said publishing association paid $486 over and above what the Postmaster-General finally decided they should pay. It being in accordance, therefore, with the final decision of the Postmaster-General that said company overpaid that sum, your committee recommend the passage of the accompanying bill; and it is understood that if the money had not been covered into the Treasury it would have been re-imbursed by the Postmaster-General to the said company.

The committee therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 952.

# IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill S. 2542.]

*The Committee on Claims, to whom was referred the bill (S. 2542) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the Territorial limits of the present State of Nevada, submit the following report:*

The claims to be paid under the provisions of this bill are fifty-three in number, and aggregate in amount to $29,144. The persons named in the bill furnished money, supplies, and services in the Indian war in 1860 in what was then western Utah, now Nevada.

The Comstock lode was discovered in 1859. During the winter of 1859–'60 a large number of miners crossed the Sierra Nevada Mountains from California, attracted by the new mineral discoveries. The country previous to that time was very sparsely settled by farmers and stock-raisers. The Pah-Ute (or Piute) Indians, who occupied this region, were numerous and warlike. In the latter part of April, 1860, these Indians commenced hostilities against the whites by an attack on a neighborhood of settlers and stockmen residing on the Carson River, about 30 miles east of Virginia City, Nev. They killed several persons and drove off a large amount of stock.

Previous to the outbreak threats had been made by the Indians to massacre all the whites on the east side of the Sierra Nevada Mountains. At the time of the outbreak the snow on the mountains was very deep, averaging from 10 to 20 feet, and at that season of the year was soft and impassable for teams. To protect the inhabitants and repel these Indians a company was organized in Carson City, consisting of 125 men, under the command of Maj. William Ormsby. They were joined by a small company from the neighboring town of Genoa, and another from Virginia City. They proceeded to the place of the massacre, known as Williams' Ranch, and from there pursued the Indians to Truckee River, near Pyramid Lake, where a battle ensued, in which about sixty of the whites were killed, among whom were Major Ormsby, Henry Meredith, the law-partner of the writer of this report, and other prominent citizens. Others were wounded, and those that escaped with their lives returned to the settlements destitute of horses, and in a pitiable condition.

Immediately after this event home guards were formed and a regular force of volunteers were enrolled and placed under the command of Col. John C. Hays. These volunteers were composed of soldiers, who enlisted

in Nevada and several volunteer companies who crossed the mountains from California. A small company of United States soldiers, under command of Captain Stewart, of the regular Army, also crossed the mountains and co-operated with the forces under Colonel Hays. The combined force consisted of several hundred men, who were supplied with horses, provisions, etc., by the inhabitants of Nevada, assisted by contributions from California. This force moved against the Indians, but the Indians refused to give regular battle against so formidable an army; but after considerable irregular fighting and skirmishing for several days, in which a number of white men and a few Indians were killed, the Indians sued for peace, which was granted and has ever since been observed. The whites have had no trouble with these particular Indians since that time, but they have lived in peace together.

During the second expedition above mentioned Captain Storey, a gentleman of great courage and popularity, was killed, and the county of Storey, in which Virginia City is situated, was given his name to commemorate his services, and the county of Ormsby, in which Carson City, the capital of the State, is located, was named after Major Ormsby.

A large amount of money and supplies were necessary for these expeditions. All the horses and mules in the country were freely surrendered for the use of the soldiers, and every citizen contributed money, food, or clothing to the extent of their means, or whatever else would be serviceable to the forces in the field. Contributions were also liberally made from California.

On December 19, 1862, the legislative assembly of Nevada Territory passed the following memorial to Congress in relation to depredations committed by Indians in the Territory, and expenses incurred in the protection of settlements:

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists, the governor and legislative assembly of the Territory of Nevada, respectfully represent that during the winter and spring of 1860 the Indians inhabiting what was at that time the western portion of Utah Territory, now organized as Nevada Territory, became hostile towards the white settlers, and that in consequence of the massacres being committed it became necessary, in order to save the settlements from annihilation, to employ not only the few United States troops within reach, but to call for aid from the neighboring State of California, and to accept the services of considerable numbers of volunteers from that State, who generously came to the rescue; that this occurred at a time when the transportation of forage and provisions over the snows of the Sierra Nevadas was almost impossible. Supplies for the necessities of volunteers and others became exceedingly scarce, and rose to extraordinary prices. Persons who had transported provisions at a great toil and expense ministered most generously to the wants of the troops; and others, under that "necessity which knows no law," submitted to forced contributions. Many horses and other animals were taken for the use of the expedition, for which no recompense has ever been made. Much of these supplies were accredited at the time, or soon after, by certificates from the officers of the expedition, or other evidences of indebtedness, the most regular and authentic that could be made under the circumstances existing at the time, but we believe as yet no provision has been made for the payment thereof, and the losses thus incurred fall with crushing weight on many worthy individuals, who were deprived of almost their entire substance. We would further represent that numerous depredations were committed by the savages on the stock and other property of the settlers, in some instances almost entire herds being driven off. We know of no legal means of liquidating this indebtedness by our Territorial government, or indemnifying parties for losses thus sustained, and we would most earnestly petition your honorable body to appoint commissioners to examine claims and adjust the same.

On March 10, 1868, the writer of this report presented a report of a commission appointed by the State of Nevada to examine certain claims for Indian depredations, which was referred to the Committee on Claims

of the Senate, but no action was taken thereon, and papers accompanying the report were lost or mislaid—at all events they can not now be found. On May 29, 1868, the writer of this introduced a joint resolution (S. 138) to appoint a board of examiners for claims against the United States in the State of Nevada, which was also referred to the Committee on Claims, and on June 18 of the same year an order was made, at the request of one of the members of the committee, discharging it from further consideration of the resolution.

On December 13, 1883, first session Forty-eighth Congress, the following bill was introduced for the payment of the claims now under consideration, and referred to the Committee on Military Affairs:

[S. 657, Forty-eighth Congress, first session.]

*A bill to authorize the Secretary of the Treasury to adjust and settle the expenses of Indian wars in Nevada.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to adjust and settle, on just and equitable principles, all claims for services rendered or supplies furnished in any of the Indian wars in the Territory or in the State of Nevada by the people thereof, not heretofore provided for by law, including subsistence, forage, medical stores, clothing, transportation, and services of and losses of horses used therein, as well as for any other necessary and proper supplies furnished and expenditures made for the prosecution of said wars; and that on such adjustment the same shall be paid out of any money in the Treasury not otherwise appropriated.

It appears that the foregoing bill was referred by the committee to the Secretary of War, upon which he made a report stating that all the claims provided for in the bill could be adjusted and paid under existing laws, whereupon the Committee on Military Affairs made the following report:

[Senate Report No. 406, Forty-eighth Congress, first session.]

*The Committee on Military Affairs, to which was referred the bill (S. 657) to authorize the Secretary of the Treasury to adjust and settle the expenses of Indian wars in Nevada, respectfully submits the following report:*

Attention is directed to the letter of the Secretary of War, dated January 26, 1884, as follows:

WAR DEPARTMENT,
*Washington City, January 26, 1884.*

SIR: In response to so much of your communication of the 22d ultimo as requests information concerning Senate bill 657, "to authorize the Secretary of the Treasury to adjust and settle the expenses of Indian wars in Nevada," I have the honor to invite your attention to the following report of the Third Auditor of the Treasury, to whom your request was duly referred:

"The State of Nevada has filed in the office abstracts and vouchers for expenses incurred on account of raising volunteers for the United States to aid in suppressing the late rebellion amounting to $349,697.49, and for expenses on account of her militia in the 'White Pine Indian war' of 1875, $17,650.95. Also, expenses of her militia in the 'Elks Indian war' of 1878, amounting to $4,654.64, presented under act of Congress approved June 27, 1882 (22 Statutes 111, 112).

"These abstracts and vouchers will be sent to your Department for examination and report as soon as they can be stamped, as that statute requires a report from the Secretary of War as to the necessity and reasonableness of the expenses incurred. This statute is deemed sufficiently broad enough to embrace all proper claims of said State and Territory of Nevada.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
*Secretary of War.*

Hon. S. B. MAXEY,
*Of Committee on Military Affairs, United States Senate.*

The copy of Senate bill No. 657 is herewith returned, as requested by you.

It will be observed that it is deemed by the Department that the act approved June 27, 1882, is sufficiently broad to embrace all proper claims of Nevada, whether a State or Territory.

For convenience of reference the above act accompanies this report, and an examination thereof and of the construction thereon, satisfies the committee that no additional legislation is necessary.

Wherefore, for this reason, the committee reports back said Senate bill 657, and recommend that it be indefinitely postponed.

The committee evidently understood that the Secretary of War regarded the existing law sufficient for the payment of the claims in question, and that it was as comprehensive as the bill which was introduced by Senator Jones and referred to the Secretary of War, which contained provisions amply sufficient to pay for services rendered, supplies furnished, and everything which was done to aid in prosecuting the Indian war of 1860. This construction of existing laws was accepted by the legislature of the State of Nevada as an assurance that the Indian war claims of the State and Territory, and the people thereof, when ascertained and established, would be paid. The legislature of Nevada at its next session passed the following act:

AN ACT relative to the proving of Indian war claims (approved February 27, 1885.)

*The people of the State of Nevada, represented in senate and assembly, do enact as follows:* SECTION 1. The State board of examiners are hereby authorized and directed to examine into all claims for services rendered, moneys expended, indebtedness incurred, and supplies and necessaries furnished between the first day of January, anno Domini one thousand eight hundred and sixty, and the date of the approval of this act, in repelling invasions and suppressing Indian outbreaks and hostilities within the territorial limits of the present State of Nevada. Said board shall also examine into all claims for horses, equipments, and wagons actually lost by those engaged as aforesaid, while in the line of duty in active service.

SEC. 2. That immediately after the approval of this act the board shall give notice, by publication in some daily newspaper published at the State capital, to all persons having such claims to present them by petition, showing the items and amounts thereof to the board within sixty days from the first publication of the notice, which notice shall be published in each issue of such newspaper for a period of at least thirty days: *Provided*, That if no daily newspaper be published at the State capital, then the notice may be published in such other daily newspaper as shall be designated by the board. Any and all claims presented in accordance with the requirements of said notice shall be examined, and final action thereon taken by the board, as soon as practicable thereafter.

SEC. 3. That all persons having such claims shall be permitted to appear personally before the board and produce such evidence as they may have in support of their respective demands; and all the provisions of sections eight, nine, ten, eleven, and twelve of an act entitled "An act relating to the board of examiners, to define their duties and powers, and to impose certain duties upon the controller and treasurer," approved February seventh, one thousand eight hundred and sixty-five, are hereby made applicable to the examination of claims presented under this act.

SEC. 4. That the evidence presented to the board in support of any such claim shall be reduced to writing, and immediately after the approval or disapproval of the claim, the petition and evidence shall be filed in the office of the governor of the State. If the claim be entirely disapproved the board shall indorse their disapproval upon the petition, and such claim shall not be reconsidered, unless upon presentation by the claimant, within thirty days thereafter, of new and material testimony in its support. If the claim be approved, either in whole or in part, the board shall indorse such approval upon the petition, which indorsement shall show the items and amounts for which the claim is approved, and a certificate of like tenor and effect shall also be given to the claimant whose claim shall have been so approved.

SEC. 5. That as soon as all the claims presented under the provisions of this act shall have been finally acted upon by the board, it shall be the duty of the governor to transmit the claims that have been approved for any amount, together with the evidence in support of them, to the Secretary of the Treasury of the United States, or other proper officer, and to urge the payment thereof by the United States Government at the earliest practicable day.

SEC. 6. Nothing herein contained shall be so construed as to make the State of Nevada liable for the amount of any approved claim, or any amount of money whatever, except as the same may be received from the Treasury of the United States for the payment of such claims, and then only for the particular claims allowed by the *United States* Government, and to the extent of such allowance (Stats. Nev. 1885, *p. 47*).

Under this act many of the claims for the Piute Indian war of 1860 were presented and laboriously and carefully examined by the board of examiners of the State of Nevada. This board of examiners is a permanent board which passes upon all claims against the State of Nevada before the same can be paid, and was not a special board organized for the purpose of examining these claims. It is composed of the governor, secretary of state, and attorney-general, and has served a most beneficial purpose in protecting the treasury of the State from the payment of unjust demands. A notice was published, as provided in the act above quoted, and all claims presented within the time provided in the notice were examined; and only such claims were allowed as were established by evidence. Many claims were rejected altogether, and most of the claims presented were reduced in amount. All the allowances made and provided for in the bill under consideration are established by the evidence reported by the board and referred to your committee. The investigation made by the board was much more careful and accurate than a committee of Congress could make on the *ex parte* evidence usually presented for the adjustment of claims of this character. The committee, however, have not relied on the findings of the board, but have examined the evidence in each case upon which the findings were made, and have arrived at the same conclusions which the board of examiners reached in its investigation, with the exceptions hereinafter stated.

The following is a synopsis of the result of the examination made by the board, taken from the biennial report of the secretary of state of Nevada for 1885–'86:

INDIAN WAR CLAIMS.

At the last session of the legislature an act was passed directing the board of examiners to inquire into and pass upon all claims for services rendered, moneys expended, indebtedness incurred, and necessaries furnished between January 1, 1860, and February 27, 1885, in repelling invasions and suppressing Indian outbreaks and hostilities within the territorial limits of the present State of Nevada. By virtue of this act the board of examiners devoted much time and care to the taking of testimony and to the faithful performance of the arduous duties imposed upon them by the legislature in this connection. It required several months of industrious application on the part of the board, involving a mass of correspondence that reached to nearly every portion of the United States. The amounts allowed the several claimants are given below:

| Claimant. | Principal. | Interest. | Total. |
|---|---|---|---|
| Mrs. Kate Miot | $150.00 | $225.00 | $375.00 |
| Mrs. Ellen E. Adams | 740.00 | 1,110.00 | 1,850.00 |
| William H. Naleigh | 385.00 | 577.50 | 962.50 |
| John T. Little | 219.00 | 328.50 | 547.50 |
| A. G. Turner | 979.00 | 1,468.50 | 2,447.50 |
| Oscar C. Steele | 326.00 | 489.00 | 815.00 |
| Estate of Samuel Turner | 307.00 | 460.50 | 767.50 |
| J. H. Mathewson | 350.00 | 525.00 | 875.00 |
| Charles Shad | 327.00 | 490.50 | 817.50 |
| Theodore Winters | 1,549.00 | 2,323.50 | 3,872.50 |
| J. F. Holiday | 95.00 | 142.50 | 237.50 |
| Franklin Bricker | 152.00 | 228.00 | 380.00 |
| George Seits | 120.00 | 180.00 | 300.00 |
| B. F. Small | 110.00 | 165.00 | 275.00 |
| Purd Henry | 157.00 | 258.00 | 430.00 |
| Andrew Lawson | 266.00 | 399.00 | 665.00 |
| Louis B. Epstein | 269.00 | 403.50 | 672.50 |
| John Q. A. Moore | 580.00 | 225.00 | 805.00 |
| Lucy Ann Hetrick | 405.00 | 607.50 | 1,012.50 |
| Charles C. Brooks | 152.00 | 228.00 | 380.00 |
| Lizzie J. Donnell, heir of Major Ormsby | 1,825.00 | 2,737.50 | 4,562.50 |
| J. M. Gatewood | 894.00 | 1,341.00 | 2,235.00 |
| J. M. Gatewood, supplemental claim | 150.00 | 225.00 | 375.00 |
| Seymour Pixley | 305.00 | 457.50 | 762.50 |

| Claimant. | Principal. | Interest. | Total. |
|---|---|---|---|
| J. D. Roberts | 3,231.00 | 4,846.50 | 8,077.50 |
| H. P. Phillips | 269.00 | 403.50 | 672.50 |
| J. M. Horton | 95.00 | 132.50 | 227.50 |
| George Hickox Cady | 168.00 | 252.00 | 420.00 |
| James H. Sturtevant | 513.00 | 769.50 | 1,282.50 |
| Gould and Curry Mining Company | 1,000.00 | 1,500.00 | 2,500.00 |
| John H. Tilton | 519.00 | 778.50 | 1,297.50 |
| R. G. Watkins | 290.00 | 435.00 | 725.00 |
| Estate of J. L. Blackburn | 763.00 | 1,144.50 | 1,907.50 |
| John O. Earl | 750.00 | 1,125.00 | 1,875.00 |
| L. M. Pearlman | 3,130.00 | 5,445.00 | 8,575.00 |
| Robert Lyon | 1,694.00 | 2,541.00 | 4,235.00 |
| Thomas Marsh | 150.00 | 225.00 | 375.00 |
| Abraham Jones | 310.00 | 465.00 | 775.00 |
| A. McDonald | 750.00 | 1,125.00 | 1,875.00 |
| G. H. Berry | 130.00 | 195.00 | 325.00 |
| Robert M. Baker | 171.00 | 256.50 | 427.50 |
| P. S. Corbett | 95.00 | 132.50 | 227.50 |
| John S. Child | 505.00 | 757.50 | 1,262.50 |
| Benjamin F. Green | 225.00 | 337.50 | 562.50 |
| Alex. Crow | 95.00 | 132.50 | 227.50 |
| Mary Curry, widow of Abe Curry | 500.00 | 750.00 | 1,250.00 |
| Warren Wasson | 499.00 | 748.50 | 1,247.50 |
| Michael Tierney | 145.00 | 217.50 | 362.50 |
| Samuel T. Curtis | 590.00 | 885.00 | 1,475.00 |
| J. Harvey Cole | 202.00 | 303.00 | 505.00 |
| Isaac P. Lebo | 334.00 | 501.00 | 835.00 |
| E. Penrod | 664.00 | 996.00 | 1,660.00 |
| J. B. Preusch | 95.00 | 132.50 | 227.50 |
| Wellington Stewart | 400.00 | 600.00 | 1,000.00 |

The action of the board of examiners upon each claim in the foregoing list, together with the evidence upon which it was based, was transmitted to the Secretary of the Treasury, in accordance with the act of the State of Nevada above quoted, accompanied with the following letter:

EXECUTIVE DEPARTMENT, GOVERNOR'S OFFICE,
*Carson City, Nev., February* 13, 1886.

SIR: In compliance with the provisions of section 5 of an act of the legislature of this State, entitled "An act relative to the proving of Indian war claims," approved February 27, 1885, I have the honor to transmit herewith the claim of ——— ——— for the sum of $———, and respectfully urge the payment thereof at the earliest practicable day.

I have the honor to remain, your obedient servant,

CHAS. E. LAUGHTON,
*Lieutenant and Acting Governor.*

Hon. DANIEL MANNING,
*Secretary of the Treasury, Washington, D. C.*

On receipt of the papers in these cases by the Secretary of the Treasury they were duly referred to the Third Auditor of the Treasury for report, who, on March 2, 1886, replied as follows:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
*Washington, D. C., March* 2, 1886.

SIR: I have the honor to return claims of Ellen E. Adams and fifty-four others, being those which were transmitted to you by the letter of the acting governor of Nevada, dated February 13, 1866.

An act of the legislature of Nevada, approved February 27, 1885, provided that certain claims might be presented to the State board of examiners, consisting of governor, secretary of state, and attorney-general; and that the governor should transmit to the Secretary of the Treasury of the United States, or other proper officer, such of the claims as should be approved in any sum by said board, and urge their payment by the United States.

The claim of Mary M. Stiles (formerly McDowell), will be specially mentioned below.

The claims of the fifty-four others are for compensation for military service in, or supplies, etc., furnished to, militia of the State engaged in suppressing Indian hostilities in 1860. I do not find that provision has been made by any law of the United States for the adjudication of such claims. For two reasons at least they do not come within the provisions of the act of Congress of June 27, 1882 (18 Stat., 111):

First. The act was confined to expenses, etc., in organizing, etc., forces called into active service by the authorities of a State or Territory between April 15, 1861, and June 27, 1882, whereas all these claims are alleged to have occurred in 1860.

Second. The act did not authorize the adjudication of any claims of individuals, but only claims of States or Territories, and only for expenses incurred or *indebtedness assumed* by the *States* or *Territories*. Nevada has *not* assumed to pay any part of the indebtedness alleged in the fifty-four claims, on the contrary the sixth section of the State act above referred to is in these words: "Nothing herein contained shall be construed as to make the State of Nevada liable for the amount of any approved claim, or any amount of money whatever, except as the same may be received from the Treasury of the United States for the payment of such claims allowed by the United States Government, and to the extent of such allowance."

The board did not consider the claim of Mary M. Stiles (formerly McDowell), holding that it was not of the class of claims which the State act of February 27, 1885, authorized it to pass upon; but, by oversight, probably, it has been forwarded to you with the others. Her claim is for boarding and lodging officers and soldiers of the United States at her hotel April 1, 1863, to about May 1, 1864, $3,450. In its present form it is not entitled to any adjudication, there being no attempt to set out any account, and the amount demanded being the product of mere guess-work. The United States is not liable for hotel bills of its officers; and if she furnished board or lodging to United States soldiers under any proper authority she could readily have collected at the time all which was due her. The presumption is that she would not have deferred a demand for twenty-two years.

I recommend that the papers in her case be transmitted to the Secretary of War, with suggestion that they be placed on file, for use in the event of the presentation of a claim by her.

I recommend that the fifty-four other claims be returned to the governor of Nevada, this Department having no authority to entertain them.

Very respectfully

JNO. S. WILLIAMS,
*Auditor.*

Hon. DANIEL MANNING,
*Secretary of the Treasury.*

On the receipt of the foregoing report from Third Auditor, the Secretary of the Treasury returned all the papers to the governor of Nevada, with the following letter:

TREASURY DEPARTMENT,
*March* 5, 1886.

The honorable GOVERNOR OF NEVADA:

SIR: I have the honor to acknowledge the receipt of your communication of the 13th ultimo, transmitting to this Department, in compliance with an act of the legislature of Nevada, February 27, 1885, fifty-five claims for compensation for military service in, or supplies, etc., furnished to militia of the State engaged in suppressing Indian hostilities in 1860, with the exception of the claim of Mary M. Stiles (formerly McDowall), which is for boarding and lodging officers and soldiers of the United States in 1863 and 1864.

In reply thereto, I have to state that no provision has been made by Congress for the adjudication of these claims. They do not come within the terms of the act of June 27, 1882 (22 Stat., 111), being "An act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of * * * and Nevada * * * for money expended and indebtedness assumed by said State * * * in repelling invasions and suppressing Indian hostilities, and for other purposes," and are returned herewith as a class of claims which can not be entertained without legislation by Congress.

A copy of the Third Auditor's report in the matter is inclosed for your information, and the papers of the case of Mrs. Stiles have been forwarded to the Secretary of War, as recommended by the Auditor.

Respectfully, yours,

D. MANNING,
*Secretary.*

It will be observed by the foregoing that the Treasury Department differed from the conclusions of the Committee on Military Affairs (which were based on the letter of the War Department), in holding that the claims could not be paid without further legislation by Congress.

More than one-half of the allowances made by the board of examiners of Nevada was for interest. This your committee disallow. There are several items allowed by the board for services during the first expedition under Major Ormsby before the arrival of the United States troops. These items your committee have also rejected, and confined the allowances for services in the expedition in which the volunteer troops under Colonel Hays acted in conjunction with the United States forces under Captain Stewart.

There is no question about the justice of the claims allowed by your committee. It is true many years have elapsed since these claims arose, but the claimants can hardly be charged with negligence, having prepared their claims within a reasonable time and presented them to Congress, with the evidence upon which they are based. The claims are all small, averaging a little over $500 each, and the claimants are generally poor and unable to come to Washington to prosecute their individual claims. The amount involved is probably less than one-tenth of the money, supplies, and services contributed by citizens during the Pi-Ute war.

Congress has already recognized the obligation of the United States to pay these claims. On June 17, 1874, an act was passed directing the Secretary of the Treasury to pay the sum of $19,473.50 to John M. McPike, in full settlement for beef and supplies furnished the troops by Jordan & McPike in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in 1860. (See U. S. Stat., p. 40 of private acts, chap. 296.)

On March 3, 1885, an act was passed directing the payment to John M. Dorsey of $9,021.33, and to William F. Shepard $3,746.66, in full settlement for beef and supplies furnished the troops by Wallace, Dorsey & Shepard, and S. B. Wallace, in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in the year 1860. (See U. S. Stats., vol. 23, p. 674.)

These claims were sufficiently large to enable the claimants to prosecute them in Washington, but they were no more meritorious than the small individual claims provided for in the bill under consideration, which arose out of the same war and under the same circumstances as the claims already paid by Congress. Several reports were made in both Houses upon the claims of Dorsey & Shephard and Jordan & McPike. The first of these reports was made by Mr. Willey from the Senate Committee on Claims during the third session of the Forty-first Congress, from which we make the following extracts:

In the spring of 1860 great alarm was excited among the inhabitants of Virginia City and its vicinity, then in Utah Territory, by the depredations of the Pi-Ute Indians. An irregular force of about one hundred persons, consisting of many of the best citizens, was organized, armed with such weapons as they could procure, and went out from Virginia City to chastise the Indians. The expedition was unfortunate, falling into ambush, where some sixty of said citizens were killed by the Indians and the others dispersed. This greatly increased the alarm, and there was good reason to fear that the settlements around Virginia City, if not the town itself, would be attacked by the Indians in large force. There were no troops or arms of Government nearer than Salt Lake, five or six hundred miles distant. Under these circumstances the governor of California and the United States officer in command of the Department of the Pacific sent forward to Virginia City arms and ammunition, in charge of proper officers. Two or three hundred volunteers also came along with the United States troops. The citizens of Virginia City and vicinity, together with the

United States troops and volunteers from California, organized a regiment and selected Col. Jack Hays, who happened to be there at the time, to take command thereof. Thus organized and thus commanded, this improvised regiment marched against the Indians, and, after a hard-fought battle, whipped them severely and secured peace and safety. * * *

The evidence shows that this expedition against the Indians was necessary for the preservation of the lives and property of the people of Virginia City and vicinity, and that its organization and success perhaps preserved the people there from destruction. The Government had no troops there; the danger was instant; there were no means of preventing destruction excepting those adopted. The people themselves did what the Government should, perhaps, have been prepared to do. Under these circumstances the committee think there is a moral and equitable obligation resting on the Government to pay the necessary expenses of the expedition.

The prices charged for the supplies seem to be high, but the testimony is all to the effect that, under the adverse circumstances of the case, they could not have been furnished for less. * * *

STATEMENT OF WILLIAM M. STEWART.

UNITED STATES SENATE, *April* 14, 1888.

William M. Stewart states that he was in Virginia City during the war of 1860; that he aided in fitting out both expeditions against the Indians and contributed for that purpose $1,000, for which he never has and never will present a claim; that many citizens of both California and Nevada contributed considerable sums of money who will never make claims for the same; that he knows most of the persons for whose relief this bill is presented, and knew them at the time of the war; that he is unable to state what amount any particular individual contributed, but does know that nearly every person in the Territory of Nevada contributed freely to the full extent of their means, and that from his general knowledge of the subject he believes the claims presented are just and reasonable.

WM. M. STEWART,
*Nevada.*

Congress has in numerous instances paid claims of the same character of those provided in the bill under consideration, among which the following are cited as precedents:

By act approved March 3, 1797, entitled "An act making appropriations for the military and naval establishments for the year 1797," appropriations were made, to satisfy and discharge claims for militia service on the frontiers of Georgia, the sum of $70,496.35; for militia service on the frontiers of Kentucky, $3,836.76; and for militia service on the frontiers of South Carolina, the sum of $8,400.25.

By an act approved May 13, 1800, the accounting officers of the Treasury were authorized to settle the accounts of the militia who served on an expedition commanded by Maj. Thomas Johnson against the Indians in the year 1794, the same to be paid out of any moneys in the Treasury not otherwise appropriated.

By section 3 of an act of Congress approved March 14, 1804, making appropriations for the support of Government for the year 1804, it was provided "that the sum which shall be found due on a settlement of the accounts of the militia who served on an expedition commanded by Maj. Thomas Johnson against the Indians in the year 1794, be paid out of any moneys in the Treasury not otherwise appropriated. the appropriation made by the act of the 13th of May, 1800, having been carried to the credit of the surplus fund."

By the second section of an act approved March 2, 1829 (Army appropriation bill), an appropriation was made of $856.55 to pay a company of Illinois militia commanded by Captain Morgan, called into service on the northwestern frontier in 1827, to be settled by the Secretary of War agreeably to the third section of the Army appropriation bill, approved March 21, 1828.

By an act approved July 2, 1836, the Secretary of War was directed to ascertain the sums severally due to persons who performed duty in the companies commanded by Captains Crawford, Wallis, and Long, of the militia of Missouri, and in the companies of Captain Siglor, of the militia of Indiana, for the protection of the frontiers of those States against the Indians, and to cause them to be paid for the time they were actually engaged in said service in the year 1832, at the rate and according to the principles established for the payment of similar services rendered the United States.

By the third section of an act approved March 1, 1837, the Secretary of War was directed to cause to be paid to the volunteers and militia of Kentucky, Tennessee, Alabama, and Mississippi, including the companies in Mississippi mustered into the serv-

ice, who were duly called into service, and whose service was accepted by the executives of the States, respectively, during the summer of the year 1836, under requisitions from the Secretary of War, or from generals commanding the troops of the United States, and who were discharged before marching, the amount of one month's pay, with all the allowances to which they would have been entitled if they had been in actual service during the period of one month; and by the fourth section of said act an appropriation was made for paying the Rifle Rangers, Coosada Volunteers, and Independence Blues, under the command of Major Holt; and for the payment of Major Holt and battalion staff, to be paid on presentation of the rolls of said companies and battalion staff to the Paymaster-General, with evidence of the time they were in the service against the Creek Indians in the months of May and June, 1836.

By an act approved February 4, 1843, the Secretary of War was authorized to cause to be paid to the companies of Captains Johnson, Henderson, Knight, Jones, and North, for services rendered in the year 1840, according to the muster-rolls of said companies, and also the companies of Captains Jernigan and Sweat, for services rendered in the year 1841, according to the muster-rolls of said companies, such payment to be governed by the laws and regulations applicable to the payment of volunteers and militia of the United States.

By act approved March 3, 1843, the accounting officers of the Treasury were authorized and required to settle the claims for supplies furnished the Florida militia, the payment of which was provided for by act of August 23, 1842, upon principles of equity and justice, under the directions of the Secretary of War.

By act approved August 7, 1848, the Secretary of the Treasury was directed to pay to the mounted Tennessee volunteers who served in the companies of Captains Gillespie, Peake, Vernon, and Rogers in 1836, to each the sum of 40 cents per day for the use and risk of his arms, and the sum of 15 cents per day for forage from the 1st of November, 1836, until they were finally discharged.

By act approved March 2, 1835, the Secretary of the Treasury was directed out of the appropriation mentioned in the act to "settle and adjust the expenses of the defense of the people of Oregon from the attacks and hostilities of the Cayuse Indians, in the years of 1847 and 1848, approved February 14, 1851," the sums found due and allowed by Commissioners Wait and Rice and by the governor of Oregon.

By act approved March 3, 1853, supplying deficiencies in the appropriations for the year ending June 30, 1853, the sum of $10,569.06 was appropriated for Mexican hostilities.

By the same act the sum of $18,060.49 was appropriated for pay of Louisiana and Texas volunteers.

By an act approved March 3, 1855, making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1856, it was provided that the sum of $25,000 be appropriated to pay the necessary expenses of six companies of volunteers called into the service of the United States by Brigadier-General Smith, in the State of Texas, to be paid under the direction of the Secretary of War.

By an act making appropriations for the support of the Army for the year ending the 30th of June, 1856, and for other purposes, approved March 3, 1855, an appropriation of $137,755.38 was made for pay, supplies, and traveling expenses of six companies of Texas volunteers called into the service by the governor of Texas and mustered into the service of the United States.

By act of March 2, 1861, $400,000 was appropriated for pay of volunteers in Oregon and Washington in suppression of Indian hostilities in 1855–'56.

A NACT making appropriations for the payment of the awards made by the commissioners appointed under and by virtue of an act of Congress entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians." Approved February 16, 1863.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of nine hundred and twenty-eight thousand four hundred and eleven dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the several amounts awarded by the commission appointed under and by virtue of an act of Congress entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, to the several persons, firms, estates, and corporations, respectively, to whom such amounts were awarded by said commissioners. * * * (13 Stats. at Large, p. 92.)

By act approved March 3, 1875, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1876, the sum of $25,000 was reappropriated for the payment of volunteers of Washington and Oregon Territories, who were engaged in the suppression of Indian hostilities therein in the years 1855 and 1856, and for the payment of claims for services, supplies, and transportation incurred in the maintenance of said volunteers, and for horses and other property lost or destroyed in said service, as provided for by the act of Congress approved March 2, 1861.

AN ACT for the relief of citizens of Montana who served with the United States troops in the war with the Nez Perces and for the relief of the heirs of such as were killed in such service.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each volunteer who joined the forces of the United States, in the Territory of Montana, during the war with the Nez Perce Indians, shall be paid one dollar per day during the term of such service, from the time that he left his home until he was returned thereto, including all time spent in hospital under treatment by such as received wounds or other injuries in such service.

SEC. 2. That all persons who were wounded or disabled in such service, and the heirs of all who were killed in such service, shall be entitled to all the benefits of the pension laws, in such manner and to the same extent as if they had been duly mustered into the regular or volunteer forces of the United States.

SEC. 3. That all horses and arms lost in such service shall be paid for at their actual value, to be duly ascertained by the commanding officer of the district of Montana: *Provided,* That no payment shall be made for such losses except upon the statement of the commanding officer of the United States troops or such other officer of the regular Army as might be in control of the volunteers at the time of such loss, and such other proofs as may be required by the commanding officer and the United States quartermaster for the district of Montana, to establish the fact that such losses were made in the service of the United States.

Approved, March 3, 1881. (U. S. Stat. at Large, vol. 21, p. 641.)

And by the second section of an act approved January 6, 1883, the Secretary of the Treasury was directed to pay to the State of California and to the citizens thereof, their heirs, representatives, or assigns, the sum of $4,441.33 for arms, ammunition, supplies, transportation, and services of volunteer forces in suppressing Indian hostilities in said State during the said years of 1872–'73, as the same were specifically reported to Congress by the Secretary of War December 15, 1874.

The committee report back a substitute for the bill (S. 2542), and recommend its passage.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 953.

# IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1888.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill S. 1031.]

*The Committee on Claims, to whom was referred the bill (S. 1031) for the payment of Sewell Coulson, and Porter, Harrison & Fishback, for legal services, having had the same under consideration, beg to submit the following report:*

The facts in this case are clearly and fully stated in a report made to the House by the House Committee on Claims, first session Forty-seventh Congress (Report 1755), and adopted by the Senate Committee on Claims (Report 101), first session Forty-ninth Congress, which reads as follows:

The Committee on Claims, to whom was referred the bill (H. R. 4431) for the payment of Sewell Coulson, and Porter, Harrison & Fishback, for legal services, having had the same under consideration, have carefully examined all the papers and evidence connected therewith, and find the facts substantially as stated in a letter of Mr. Coulson, which is in part as follows:

"About the 1st of October, 1864, Samuel McCormick, of Sullivan County, Ind., was captain of a company of State militia, organized and mustered in his county, under and in pursuance of the act of the State legislature approved and signed May 11, 1861. Bedee Johnson, John McConnel, John Rotramel, John G. Kimberlain, Thomas Wells, Peter Wilson, and others were members of said company. This company was frequently called into active service by the provost-marshal of the district, to aid in enforcing the laws of the United States, and in preventing opposition to the drafts or uprising of the people to resist the drafts.

In February, 1866, five civil suits were commenced against Captain McCormick and his men, in the Sullivan circuit court, to recover damages for false imprisonment in cases where they had made arrests under and in pursuance to orders from General A. P. Hovey, in command of the district of Indiana, R. W. Thompson, captain and provost-marshal, and Daniel Conover, captain and provost-marshal, both of the Seventh Congressional district of Indiana, accompanied by orders from Maj. Gen. James Hughs, in command of the State militia.

"At the same term of the Sullivan circuit court the grand jury returned an indictment against the same men, charging them with grand larceny for seizing two kegs of powder found concealed, and which were undoubtedly procured and intended to be used in opposing the Government of the United States. I was employed as counsel to defend all of these six cases, to wit: Andrew Humphreys *vs.* Samuel McCormick *et al.*; Thomas Mayfield *vs.* Same; James Leach *vs.* Same; William Holson *vs.* Same; John Sisson *vs.* Same; and the State of Indiana *vs.* Same. On entering their first appearance in the civil cases the defendants filed their affidavits and motions with an offer to make requisite bonds to remove said cases to the circuit court of the United States for the district of Indiana for trial. The motions were severally overruled by Judge Eckles, he holding the act of Congress of 3d of March, 1863, unconstitutional and void, and ruled the defendants to answer, pending which all the cases were continued. At the August term, 1866, judgment was taken by default in the case of Humphreys *vs.* McCormick *et al.*, and his damages assessed at $25,000. Issues were formed in all the other cases, and the cases of Mayfield *vs.* McCormick *et al.* was tried by the court, which resulted in finding a judgment for plaintiff for $500. These two cases [illegible]

ants appealed to the supreme court; in the other three, on defendant's application, the venue was changed to the Knox circuit court. The indictment in the criminal case was quashed.

"After the appeal of the cases of Humphreys and Mayfield to the supreme court, Messrs. Porter, Harrison & Fishback, of Indianapolis, were retained to assist in those cases, and did so. They filed a brief that required great labor, learning, and research to prepare, the cases involving new questions, not then fully adjudicated.

"These cases were decided at the November term, 1866, of the supreme court, by which decision the judgment and ruling of the Sullivan circuit court was reversed, and the cause remanded, with instructions to the court below to pass upon the sufficiency of the bond that might be offered under the law of Congress, etc. (see cases, Mayfield against McCormick *et al.*, 27 Indiana, 143, and McCormick *et al. vs.* Humphreys, 27 Indiana, 144, where a more detailed statement will be found).

"Immediately after the decision of the above cases in the supreme court, Judge Baker, of the Knox circuit, ordered the three cases pending in his court by change of venue to be removed to the United States circuit court for the district of Indiana for trial, which was done, and the cases were finally disposed of in that court at the November term, 1867, in favor of the defendants.

"The cases of Humphrey and Mayfield were transferred to the United States circuit court at the May term thereof, 1868, and leave was given to plead at the November term following."

* * * * * * *

The claim for these services were filed with the Secretary of War, and the same were by him referred to the Judge-Advocate-General. Although the facts found by him are substantially as stated above, your committee think it fair to the House to give the facts as found by him, together with his conclusions thereon, which are in these words:

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
*May* 10, 1875.

Respectfully returned to the Secretary of War.

This is the claim of Sewell Coulson, esq., and of Messrs. Porter, Harrison & Fishback, attorneys, for their fees for professional services rendered in the defense of sundry actions instituted and prosecuted against a militia officer and men of his command, in the State courts and the United States circuit court, within the State of Indiana.

Mr. Coulson's account amounts to $4,500, less a credit of $550—that is to say $3,950. The account of Porter, etc., is $3,000, less $500, or $2,500. Total, $6,500.

The credits indicated were amounts paid out of a fund appropriated by the State of Indiana for the indemnification of officers and soldiers of the United States and of the State militia, who had been exposed to suits, etc., by reason of their military acts. In regard to this fund Governor Baker certifies in his statement, dated April 1, 1870, and contained among the papers, that "The appropriation was wholly insufficient to pay reasonable attorney's fees for the defense of all such suits as were brought. * * * The services rendered by Captain Coulson and Messrs. Porter, Harrison & Fishback were not by any means compensated by the sums which they respectively received nor was it so considered."

The present claims are accompanied by an extended statement by Mr. Coulson, setting forth the facts of the inception and history of the proceedings.

The actions, which were all commenced in February, 1866, were six in number—five being civil suits for damages, and one a criminal prosecution for larceny.

The civil suits were severally instituted by Andrew Humphreys (apprehended and brought to trial by military commission with Milligan and others, for treasonable conspiracy, etc.), who claimed $50,000 for false arrest and imprisonment by Thomas Mayfield, on account of the seizure from him of arms and ammunition found concealed in his possession with a supposed treasonable purpose; by John Sisson, for an alleged assault and battery and false imprisonment, growing out of the case of Mayfield; by James Leach, for false arrest and imprisonment as a member of the "Sons of Liberty" (a secret traitorous association in aid of the Southern rebellion), charged with resisting the draft; and by William Holdson, whose alleged ground of action was identical with that of Leach. The criminal indictment was in the name of the State of Indiana, and for the *larceny* of the property of Mayfield, above mentioned. The defendants in each case were Samuel McCormick, a captain of State militia (or of the "Indiana Legion," as it is styled), and certain members of his company, from five to thirteen in number. The order for the arrest of Humphreys was given by Brig. Gen. A. P. Hovey, United States Volunteers, commanding district of Indiana, and was addressed to Capt. John W. Day, First Heavy Artillery, Indiana, Volunteers, who was directed to make the arrest "with the force turned over to him for that purpose, by Maj. Gen. James Hughes," commanding Indiana Legion; Captain McCormick being thereupon ordered by General Hughes to report with certain of his company to Captain Day.

For the arrest of Mayfield and the seizure of his property by McCormick the order was given by the United States provost-martial of the seventh district of Indiana.

For the apprehension of Sisson no order of arrest was ever made. It is represented in the statement of Mr. Coulson that he was never arrested at all, nor in any manner assaulted, etc., as claimed by him in his action.

For the arrest of Leach and Holdson by McCormick the order was given by Capt. W. W. Jones, Twenty-second Regiment Veteran Reserve Corps, placed by General Hovey in command of the United States troops in the county of Sullivan, a detachment having been stationed there for the protection of loyal citizens.

Under what specific authority or circumstances the State militia had come to be under the orders of the district commander and provost-marshals at the period of these arrests, etc., is not set forth in Mr. Coulson's statement.

The five actions were commenced in State courts, and subsequently removed to the circuit court of the United States, where they were finally disposed of without trial. In the suits by Humphreys and Mayfield, an application having been made and enforced by argument for the removal of the cases to the United States jurisdiction, the same was refused by Judge Eckles, who held the State court, whereupon both suits went to trial, and a verdict or judgment (in the former action of $25,000 and in the latter of $500) was rendered against the defendant. These cases were then appealed to the supreme court of the State, where, after an elaborate argument, the adverse ruling of the court below was reversed and the removal of the suits ordered. The other actions, which had meanwhile awaited this result, were also then removed. Complaints and answers were thereupon filed in the two first-named suits in the United States court, and after some continuance the same were, as above mentioned, finally dismissed for want of prosecution in November term, 1870. The suits brought by Sisson, Leach, and Holdson were dismissed in May term, 1868, for want of a declaration. The criminal indictment was quashed in or about August, 1866.

Mr. Coulson is understood to have acted as attorney from the beginning to the end of the proceedings. The services of Messrs. Porter, Harrison & Fishback were rendered in the supreme court upon the appeal, and afterward in the United States circuit court.

The proceedings in the action by Mayfield were substantially identical with those in the action by Humphreys, and those in the actions by Leach & Holdson substantially identical with those in the action brought by Sisson.

The performance of the services and reasonableness of the charges are certified to by Judge Eckles, of the State circuit court, by Judges Frazer and Ray, of the supreme court of the State, before which the appeal in the two principal actions was argued by Governor Baker and by Hon. T. A. Hendricks, John C. New, J. T. Gunn, N. G. Buff, and J. E. McDonald, attorneys and counselors at law, of Indiana.

No specific authority from the Secretary of War for the employment, at the expense of the United States, of Mr. Coulson or of Messrs. Porter, Harrison & Fishback, in any of these proceedings, is to be found in the papers exhibited.

If, however, the communication of the Secretary of War of February 22, 1869, to Hon. H. D. Washburn, M. C., in which the Secretary merely declines to consider the question of compensation till the services are fully performed, and upon the rendition of a final account, is to be viewed as a ratification of such employment, the Secretary would then be authorized to settle these claims, inasmuch as the services were entered upon more than four years before the passage of the act transferring the authority to employ such counsel to the Department of Justice, and were indeed almost entirely concluded before the date of such act. Should the Secretary of War regard himself as fully authorized to entertain the settlement of the charges, it would be the opinion of this Bureau that, in view of the difficulty of these cases, the variety of services required in the same during the six years in which they were pending, the successful result of the contest, and of the testimony, above indicated, of the judges and counsel in favor of the reasonableness of the fees charged, the Secretary would probably be justified in allowing the full amount claimed, although the same certainly appears to this Bureau as a full and generous estimate of the value of the services rendered.

If, on the other hand, in view of the fact that no specific engagement of these counsel on the part of the United States, or authority for their employment at its expense, appears among the papers or is even claimed by the parties to have existed; of the fact that the defendants were State militia and not a part of the Army of the United States; of the fact that a provision, inadequate though it may have been, was made for the fees of this class of counsel by the legislature of Indiana, and that their share of it was accepted by claimants, who thus apparently contemplated that their fees were most properly a State charge; and of the further consideration that the payment by the War Department of so considerable an amount as that claimed (at a date when such payments have entirely passed within the sole discretion of the Department of Justice) could hardly have been contemplated by Congress in making the current appropriation for Army contingencies, as well as of the probability that other claims for professional services in these cases may yet be presented by James C. Denny and

R. W. Thompson, esqs., the Secretary of War should doubt as to his authority for satisfying these charges, or as to the expediency of his settling the same, it would be then suggested whether it would not be well to refer this claim, which in this aspect addresses itself rather to the generosity than to the justice of the Government, to the next Congress, with a view to a specific appropriation for its payment, if the same be deemed proper.

J. HOLT,
*Judge-Advocate-General.*

And there being no funds at the disposal of the Secretary of War out of which said claims could be paid, the same were referred to the then Attorney-General with a recommendation for payment, as shown by the following letter of indorsement:

WAR DEPARTMENT, *June* 9, 1875.

Approved.

Inasmuch as there are no funds subject to the control of this Department for the payment of such claims, and it being suggested that there are funds subject to the control of the Department of Justice which may properly be applied to such purposes, the papers in this case are respectfuly forwarded to the honorable Attorney-General, with recommendation of payment of these claims.

WM. W. BELKNAP,
*Secretary of War.*

Subsequently, to wit, June 12, 1875, the honorable Attorney-General returned said claims to the Secretary of War, with the following statement:

DEPARTMENT OF JUSTICE,
*Washington, June* 12, 1875.

SIR: I have the honor to acknowledge the receipt of the papers in the case of Sewall Coulson and Messrs. Porter, Harrison & Fishback, relative to their accounts of fees for services in certain cases in said papers named.

I herewith return those papers, and beg to inform you that there is no appropriation over which this Department has control, and out of which those accounts can be paid.

Very respectfully, your obedient servant,

EDWARDS PIERREPONT,
*Attorney-General.*

Hon. W. W. BELKNAP,
*Secretary of War.*

Afterwards, to wit, November 24, 1876, the Secretary of War referred said claims to the Third Auditor of the Treasurer, in the following statement:

Respectfully referred to the Third Auditor of the Treasury for settlement. The account being approved at this Department, but no funds being available, it may be a proper case to report to Congress in the estimates.

By order of the Secretary of War.

H. T. CROSBY,
*Chief Clerk.*

NOVEMBER 24, 1876.

And the said Auditor having examined the claims, did, on the 5th day of August, 1881, render his decision therein in these words:

DECISION BY THIRD AUDITOR.

In the matter of the claims of Sewall Coulson, esq., and Messrs. Porter, Harrison & Fishback for attorney fees.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
*August* 5, 1881.

The general history of these cases is stated in the report made to the Secretary of War by the Judge-Advocate-General, on May 10, 1875, to which I will refer to avoid recapitulation.

The claimants were not employed under any order or other authority emanating from the Secretary of War, nor at any time while the service was being rendered were they recognized by the Secretary as employed in behalf of the United States. The letter addressed by direction of the Secretary to Hon. H. D. Washburn, M. C., by the

Inspector-General on the 22d February, 1869, contained no such negotiation, but merely declined to pass upon a case not then pending in the Department, but hypothetically presented in a letter, and the full particulars of which were not known at the Department.

The parties to whom these professional services were rendered were not in the service of the United States, but were officers and soldiers of the State of Indiana. It does not appear by whom these claimants were retained, but it does appear that part payments on account of these services were made and received from a fund provided by the State of Indiana.

If, as appears very probable, the matters in respect to which the services were rendered were of importance to the United States, it may be highly proper for the General Government to assume the burden of compensating these claimants; but only Congress can assume for the United States an equitable duty not based upon a legal obligation.

The claims not being within my jurisdiction I can not entertain them.

The papers will be transmitted, with this decision, to the Second Comptroller.

W. E. KEIGHTLEY,
*Auditor.*

The decision of the said Auditor was confirmed by the Second Comptroller of the Treasury, in these words:

Claim No. 42127.

TREASURY DEPARTMENT,
SECOND COMPTROLLER'S OFFICE,
*March* 10, 1882.

Respectfully returned to the Hon. Third Auditor, the papers in the claim of Sewell Coulson *et al.*

The report of the Auditor is concurred in and approved, and the claim is disallowed.

However meritorious this claim may be, as against the General Government, it seems to be clearly one that can now be properly considered only by Congress.

W. W. UPTON,
*Comptroller.*

Your committee thought best to give the facts pretty fully in this case, even at the risk of repetition. It will be seen that the payment of these claims was recommended by the Secretary of War, and would probably have been paid by him or the Attorney-General but for the want of funds. The claims were rejected by the Third Auditor upon the ground, as stated by him, that "the claimants were not employed under any order or other authority emanating from the Secretary of War." While this may be true, nevertheless the services were rendered, and in the defense of men who were legally ordered to make the arrests and seizures mentioned above. The disturbances in Indiana during the war, and especially at the time of these arrests, are so well known that your committee deem it unnecessary to make any other than a general reference thereto. The arrests, etc., were made in the interest of the Government, and to protect loyal citizens of Indiana. It would have been manifestly unjust to have allowed the defendants in these several suits to have been compelled to pay counsel fees, as their cause was a common one, in which the Government was vitally interested, and your committee assume that counsel was necessary to the proper defense of these men. The disposition of all these cases was in favor of the defendants. The value of the services rendered is certified to by the then governor, Conrad Baker, Judge Eckles, who held the State court, by Hon. Joseph E. McDonald, Hon. T. A. Hendricks, by Judges Frazier and Ray, then members of the supreme court of Indiana, and others.

Your committee believe that in view of the circumstances of this case, it is a proper claim to be paid by the Government, and they therefore recommend the passage of the bill.

Your committee adopt the foregoing statement of facts and conclusions, with this further statement:

That while there is a lack of evidence showing an original employment by the Secretary of War, the evidence is conclusive that on a presentation of these claims to him, with full explanations of all the circumstances, they were by him accepted, recognized, and approved as just and legal claims against the United States, based upon and due and owing on account of valuable professional services rendered in the interest and for the benefit of the General Government at a critical period in its history. Such recognition and approval is yet more fully shown than appears by the House report by two communications from the office of the Judge-Advocate-General to J.

W. Smith, esq., of Washington, D. C., the attorney for claimants, and dated, respectively, June 11 and June 15, 1875, as follows:

WAR DEPARTMENT,
*Washington City, June* 11, 1875.

SIR: I am directed by the Secretary of War to inform you that the claim of Sewell Coulson, esq., and of Messrs. Porter, Harrison & Fishback, attorneys, for fees for professional services rendered in the defense of sundry actions instituted and prosecuted against a militia officer and men of his command in the State courts and United States circuit court within the State of Indiana, has this day been forwarded to the honorable the Attorney-General, approved and recommended for payment.

Very respectfully,

W. M. DUNN,
*Asst. Judge Adv. Gen., Bvt. Brig. Gen., U. S. Army.*

J. W. SMITH, Esq.,
*Attorney, etc., Washington, D. C.*

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WAR DEPARTMENT,
*Washington City, June* 15, 1875.

SIR: Referring to the case of Sewell Coulson, esq., and Messrs. Porter, Harrison & Fishback, accounts of fees for services in certain cases, and to War Department letter of the 11th instant addressed to you, I am directed by the Secretary of War to inform you that inasmuch as there are no funds subject to the control of this Department for the payment of such accounts, and it being suggested that there were funds subject to the control of the Department of Justice which might properly be applied to such purpose, the accounts, together with all the papers in the case, were, on the 11th instant, forwarded to the honorable the Attorney-General, approved and recommended for payment.

The papers are now returned to this Department by the Attorney-General with the information that there is no appropriation over which the Department of Justice has control, and out of which those accounts can be paid.

Very respectfully,

W. M. DUNN,
*Asst. Judge Adv. Gen., Bvt. Brig. Gen., U. S. Army.*

J. W. SMITH, Esq.,
*Attorney, etc., Washington, D. C.*

The value of the services are certified to by the following well-known gentlemen, to wit:

INDIANAPOLIS, *April* 1, 1875.

I was governor of Indiana at the time of the appropriation and disbursement of $3,000 mentioned in the foregoing statement, and I certify that the matters above stated in relation to the disbursement of said appropriation are true. The appropriation was wholly insufficient to pay reasonable attorneys' fees for the defense of all such suits as were brought, and hence the attorneys employed agreed upon its apportionment, as above stated. The services rendered by Colonel Thompson, Captain Coulson, and Messrs. Porter, Harrison & Fishback were not by any means compensated by the sums which they respectively received, nor was it so considered.

I trust the Government will compensate them properly for the valuable services rendered.

CONRAD BAKER.

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INDIANAPOLIS, *April* 6, 1875.

I was one of the attorneys for Andrew Humphreys and others, plaintiffs in the suits transferred to the U. S. circuit court, from the time the transfers were made until the suits were ended, and have a personal knowledge of the services rendered in said court by Porter, Harrison & Fishback, and from said personal knowledge, and from the record above of proceedings in the several causes, state that the fees charged in the said causes by the several attorneys engaged in the above claim are reasonable, and within the rate of usual charges in this State for such services.

J. E. MCDONALD.

INDIANAPOLIS, *April* 7, 1875.

I have examined the statements made by said Porter and Harrison and had some personal knowledge of the cases, and think the charge of $3,000 reasonable and not above the charges usual among attorneys of the recognized ability of Messrs. Porter, Harrison & Fishback.

THOMAS A. HENDRICKS.

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INDIANAPOLIS, *April* 12, 1875.

Having had some personal knowledge of the cases referred to and of the labor on them performed by Messrs. Porter, Harrison & Fishback, as well as a thorough acquaintance with the legal ability of the firm and their very high standing in the profession, I believe their charge of $3,000 only a reasonable fee.

JNO. C. NEW.

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WASHINGTON, *April* 29, 1885.

We were justices of the supreme court of Indiana when the causes alluded to in the foregoing statement were heard and decided, and have personal knowledge of the professional services rendered in that court by Messrs. Porter, Harrison & Fishback. We are also well acquainted with the usual charges of attorneys in Indiana for services. From our knowledge of the services in these causes actually rendered and the foregoing statement concerning the nature of the cases which were not before us, and of the services rendered therein, we do not hesitate to say that the sums charged by Messrs. P., H. & F. and by Mr. Coulson are not at all unreasonable.

JAS. S. FRASER.
CHAS. A. RAY.

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Judge Eckles, who presided at the trials below, certifies to the value of the services rendered in this court, and John T. Gum and Nathaniel G. Ruff, attorneys, testify that the fees charged by the claimants are "reasonable" and "ought to be paid."

J. W. SMITH,
R. A. BURTON,
*Attorneys for Sewell Coulson.*

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The Washburn letter and the circumstances connected with it are correctly set out by the House report, as follows:

THE WASHBURN LETTER.

This letter, referred to on pages 3 and 4 of the annexed report, was called forth by letters that Mr. Coulson had written to Hon. H. D. Washburn and Hon. O. P. Morton, reciting the insufficiency of the fees paid by the State and the inability of the defendant to pay counsel fees, and asking them to make an arrangement with the Secretary of War for the payment of proper fees by the Federal Government. They referred these letters, with favorable recommendations, to the Secretary of War, who passed them, for report, through the Board of Claims, to the Judge-Advocate-General, who indorsed on them as follows:

BUREAU OF MILITARY JUSTICE,
*February* 16, 1869.

Respectfully returned to Maj. Gen. J. A. Hardie, president Board of Claims. The within claim has never been before this bureau in any form, and no information is had here either in regard to the authority for the employment of the counsel, or to any other feature of the case.

Under these circumstances there is no basis for a special recommendation that the counsel be paid a portion of their fees at this stage of the action, as requested, but it can only be advised that the general rule of the Department be applied to the case and that they be notified that their claim for compensation can not be entertained until their professional service in the suit or suits be finally concluded, and a full and detailed account, accompanied by the proper proofs of authority, reasonableness of charges, and performance of services, be rendered to the Secretary of War.

J. HOLT,
*Judge-Advocate-General.*

Thereupon the Secretary of War wrote to Messrs. Washburn and Morton that "it can only be said at present that the applications of the counsel for compensation in the cases referred to will more fully be a subject of consideration under the regulations of the Department after the verification of the professional services and upon the presentation of an account with full statement setting forth the nature and character of the services rendered and the reasonableness of the charges."

Coulson's letters had fully set forth the State status of the troops that made the arrests, as well as the fact that the counsel had not been retained by the United States, and had the Secretary intended to set up either of those facts as a defense to the claims, he certainly would not have encouraged the counsel to continue their work by telling them that he would rather defer consideration of their claim until their labors were concluded than to pay "a portion of their fees at this stage of the action." Moreover the arrests, though immediately made by State troops, were made under orders of a Federal general (A. P. Hovey), and in supposed execution of Federal (draft) law. In the Milligan trial, which was of the same nature, and in which the arrest was made by the same officer, the Federal Government, after the trial was over, admitted and liberally discharged its obligation to pay the defending counsel. (See case of J. W. Gordon, judiciary settlement No. 37571, Register's office.)

Had these defendants not been defended, and had judgment been rendered against them and satisfied out of or made a lien on, their property, they would have had irresistible claims on the United States for indemnification to an extent far beyond what is asked for in these claims.

Your committee, in view of all the circumstances, report the bill (S. 1031) and recommend its passage.

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# IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1888.—Ordered to be printed.

Mr. JONES, of Arkansas (for Mr. HEARST), from the Committee on Indian Affairs, submitted the following

## REPORT:

[To accompany bill S. 1503.]

There is apparently no good reason why Congress should not allow this claim.

According to the appended report received this day from the Indian office it appears that on May 7, 1878, the then Commissioner of Indian Affairs, after reviewing the facts in the case, recommended that Mrs. Duvall be paid the sum of $757, divided as follows:

| | |
|---|---|
| Making and mending suits for boys | $210 |
| Making and mending suits for girls | 196 |
| Cooking and washing, 156 weeks, at $2.25 | 351 |
| Total | 757 |

The several Secretaries of the Interior to whom the matter has been referred have uniformly taken the ground that if they can review and reverse in this case then their successors, if they differ from them, can review and reverse, and that consequently there would be no end to the controversy. They recommend, therefore, that the claimant seek relief from Congress.

Another point in this lady's favor is the assurance received that her claim has several times been favorably reported from this committee, and the further fact that in the Forty-ninth Congress the bill was passed by the Senate.

Your committee recommend favorable action upon the bill, after making the following amendment:

Strike out the word "otherwise" in line 7 and insert in lieu thereof "any other funds belonging to them in the Treasury."

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 955.

# IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on the District of Columbia, submitted the following

## REPORT:

[To accompany bill S. 1927.]

*The Committee on the District of Columbia, to whom was referred the bill (S. 1927) for the relief of Caroline T. Bancroft, executrix and trustee of William S. Bancroft, deceased, have carefully examined the same, and report:*

The petition of Caroline T. Bancroft, executrix and trustee, filed as a part of this report, fully and correctly states the grounds for the relief contemplated by Senate bill 1927. (See Exhibit A.)

The committee called upon the Commissioners of the District of Columbia for their opinion in reference to the relief prayed for, and file their answer, which is accompanied by a report from William Oscar Roome, chief of the special assessment division, which is also made a part of this report. (See Exhibit B.)

After examination of the facts set forth in the report of Mr. Roome, your committee is of opinion that it would be unwise to make the exception in this case contemplated by Senate bill 1927, and is of opinion that if Congress is favorable to the relief asked in the petition filed with the report, a general bill should be framed and passed covering all the cases, having equal equities, referred to in the report from the special assessment division.

Senate bill 1927 is reported adversely, with the recommendation that it be indefinitely postponed.

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### EXHIBIT A.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

The petition of Caroline T. Bancroft, of New York, executrix and trustee of William S. Bancroft, deceased, respectfully shows, that in 1871 the said William S. Bancroft was the owner of square 155, in the District of Columbia, and that during that year a sidewalk and curb were laid in front of a part of said square for which a measurement was made by the Engineers' Department, and a certificate for the amount of work done, and the value of the same, was issued to the contractor. Shortly after the issuance of said certificate, Mr. Bancroft, having occasion to visit the District, learned of the fact, and not wishing to have a cloud upon his property, purchased the certificate from the contractor, but not being familiar with the requirements of the tax

office, failed to have it entered upon the records of that office as an assessment. Had this been done it would have become an H. D. Cooke assessment, and therefore subject to the provisions of several acts of Congress approved June 19, 1878, and June 27, 1879, also act of the legislative assembly approved December 19, 1871, which reduced all special assessments for work done in 1871 under contracts signed by Gov. H. D. Cooke to one-third of the original amount, and those who had paid such assessments were refunded the overpayment in drawback certificates.

With the view of getting the same relief as was granted other tax-payers, the estate of the said Bancroft asked that said certificate be placed upon the tax-records, and that a drawback for two-thirds of its face value be refunded in accordance with the revising acts herein referred to.

The Commissioners referred the case to their attorney, who strongly recommended payment of the claim, as did the Engineer's Office, as is evidenced by the accompanying copies of their decisions.

The Commissioners, whilst admitting the equity and justice of the claim, preferred to await Congressional action.

To the end therefore that your petitioner may receive the relief to which it is so clearly shown she is entitled, she most humbly asks that your honorable bodies pass the accompanying bill, and she will ever pray, etc.

CHAS. F. WOLLARD,
*Attorney for Caroline T. Bancroft, Executrix and Trustee of William S. Bancroft, deceased.*

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EXHIBIT B.

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
*Washington, March* 13, 1888.

SIR: The Commissioners herewith return Senate bill 1927, "For the relief of Caroline T. Bancroft, executrix and trustee of William S. Bancroft, deceased," and the accompanying papers, which were submitted to them at your instance for report, and submit the inclosed copy of statement of the chief of the special assessment division, as exhibiting the information requested by you, and as representing their own views on the subject of granting relief of the character of that proposed in this bill.

Very respectfully,

W. B. WEBB,
*President.*

Hon. CHARLES JAMES FAULKNER,
*Of Committee for District of Columbia, U. S. Senate.*

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[Inclosure.]

MARCH 12, 1888.

Respectfully forwarded to the honorable Commissioners of District of Columbia.

This is an old claim which was disallowed because no assessment had been made, and there was no law to warrant the refunding to a property-owner of money paid directly by him to the contractor who did the work.

In this case Mr. Forsyth certified the amount of work done as $1,437.72½, of which to be refunded by drawback certificate under proposed bill will be $958.48.

It is impossible to state, or even approximate, the amount of claims, similar in their nature, that may be made, because there is no assessment or other record in such cases upon which to base such calculation. The property-owner settled directly with the contractor, upon a certificate of Mr. Forsyth as to the amount due, and that ended the transaction, leaving all our records silent in relation thereto. Such a course of proceeding was followed in many cases as reported by Mr. John F. Cook, collector District of Columbia, under date of August 5, 1880, on paper 2852 of the files of this office.

This claim was presented to Congress in 1884, and in the report thereon (H. R. bill 3924) Capt. R. L. Hoxie says: "If legislation to authorize drawbacks in these cases be advisable, it should apply to all of the M. G. Emery assessments, and to all similar cases of imperfected assessments for work done after February 24, 1871. This will give additional drawbacks on the M. G. Emery assessments of record amounting to $36,473.70. Upon the imperfected assessments an unknown quantity which could only be approximately estimated. In the wake of these would probably follow the

claims for permit work, etc., and it is perhaps advisable to draw the line at the recorded assessments."

A similar claim was also presented to Congress in 1882 (see H. R. 7038), which also failed to become law.

In reciting the foregoing history of this case I do not desire to be understood as objecting absolutely to this bill; it has equity sufficient to entitle it to your consideration, but justice would appear to require that all similar cases should be afforded the same relief.

WM. OSCAR ROOME,
*Chief of Special Assessment Division.*

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 956.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, submitted the following

# REPORT:

[To accompany bill S. 1924.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1924) for the completion of a public building at Wichita, Kans., have considered the same, and recommend that it do pass.

The committee submit the following letters in connection with the bill:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
*Washington, February* 17, 1888.

SIR: In connection with Senate bill No. 1924, proposing to extend the limit of cost of the post-office, court-house, etc., at Wichita, Kans., from $100,000 to $200,000, which has been submitted to this office, I have the honor to inclose copy of letter of October 4, addressed to this office by Hon. P. B. Plumb, and copy of letter of the 25th ultimo, addressed to this office by Hon. S. R. Peters, stating that if the building is constructed within the limit originally placed by Congress, viz, $100,000, the building would be inadequate to the needs of the public service at the place named.

After due consideration, I have to state that it appears that the best present and future interest of the Government would be served by constructing a public building at Wichita of larger magnitude than the one contemplated by the original bill, and therefore, to recommend that the limit of cost be extended to $200,000, as proposed by Senate bill 1924.

Respectfully yours,

WILL. A. FRERET,
*Supervising Architect.*

Hon. C. S. FAIRCHILD,
*Secretary of the Treasury.*

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TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
*Washington, D. C., February* 17, 1888.

SIR: Referring to Senate bill No. 1924, I have the honor to inclose copy of letter of even date addressed to me by Mr. Will. A. Freret, supervising architect of this Department, in regard to extending the limit of cost of the post-office, court-house, etc., at Wichita, Kans., from $100,000 to $200,000, and to state that I fully concur in the recommendation therein made.

Respectfully yours,

C. S. FAIRCHILD,
*Secretary.*

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UNITED STATES SENATE,
*Emporia, Kansas, October* 4, 1887.

DEAR SIR: Permit me to call your attention to the public building which you are proposing to erect at Wichita. Since provision was made for this building, Wichita has grown very greatly and buildings five stories in height have been erected by

private capital. I am informed that the plans as prepared in your office contemplate a building two stories in height merely. This will result in an inferior looking building. I doubt also if the necessary room can be provided in a building of two stories, as you perhaps know there is a United States Land Office at Wichita and United States court is held there, and there will need to be a room for a post-office which does more business than any other post-office in the State of Kansas.

I write to suggest that you enlarge the building by adding a third story. If this should necessitate the omission of heating apparatus from the estimates, I think without doubt this could be provided for at the next session of Congress. It would certainly seem advisable that the Government should erect such a building as would meet not only present but future wants in a satisfactory manner.

Respectfully, yours,

P. B. PLUMB.

SUPERVISING ARCHITECT OF THE TREASURY DEPARTMENT,
*Washington, D. C.*

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HOUSE OF REPRESENTATIVES, UNITED STATES,
*Washington, D. C., January* 25, 1888.

DEAR SIR: I have the honor to request that no further steps be taken in the matter of a public building at Wichita, Kans., as I have introduced a bill to increase the amount of the appropriation so as to secure a larger building. This bill will be referred to you for your consideration and I shall be glad to have you recommend it. The city now has 40,000 people, and the interest of the Government, as I think, requires an additional appropriation of $100,000.

Very respectfully, yours,

S. R. PETERS,
*M. C., Seventh District Kansas.*

Hon. W. A. FRERET,
*Supervising Architect.*

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 957.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. PASCO, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill S. 218.]

The present bill proposes to change the limit of appropriation for the public building at Key West, Fla.

By the act approved February 28, 1885, the erection of this building was provided for, and the sum of $100,000 was appropriated for the purposes of the act. A further appropriation of $8,000 was made.

The building has not yet advanced beyond the work upon the foundation, and the limit heretofore fixed having been found insufficient, application was made through the present bill for an increase. Upon application to the Secretary of the Treasury for information and further estimates, the letters hereto attached have been received, and it appears therefrom that it will take $175,000 to erect such a building as is needed for the purposes of the Government.

In addition to the post-office the United States circuit and district courts are held at Key West, and the same are open nearly all the year, there being a very large amount of admiralty business transacted at this point; and offices are required for the custom-house and internal-revenue business.

The receipts there from customs, immigrant fund, fines, etc., for the fiscal year of 1887, amounted to $728,970.43, as shown by the report of the Register of the Treasury.

The receipts from the internal-revenue business of the district, nearly all of which were collected at this point, amounted for the same year to $322,903.20, and this business is still increasing.

It will require an additional appropriation of $67,000 to meet the estimate made, which will make the limit $175,000, instead of $250,000, the sum named in the bill.

The committee approve of this amount and offer the following amendments to the bill, and when so amended recommend that it do pass:

In section 1, line 4, insert in the blank space after "approved" "February 28, 1885."

In line 5 strike out "two" after "building" and insert "one," and in the same line strike out "fifty" after "and" and insert "seventy-five."

In section 3, line 1, insert "additional" before "sum" and strike out "two hundred and fifty" before "thousand" and insert "sixty-seven."

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TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, D. C., February* 18, 1888.

SIR: I have the honor to inclose copy of a report submitted to me by the Supervising Architect of this Department in reply to your letter, addressed to him, inclos-

ing Senate bill No. 218, extending the limit of cost of the public building at Key West, Fla.

Respectfully, yours,

C. S. FAIRCHILD,
*Secretary.*

Hon. S. PASCO,
*United States Senate.*

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TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
*Washington, February* 18, 1888.

SIR: I have the honor to state that under date of the 8th instant there was referred to this office, by the Hon. S. Pasco, Senate bill No. 218, extending the limit of cost of the public building at Key West, Fla., to $250,000.

I submit herewith a statement of the space provided under the present limit, viz, $108,000.

| | Sq. feet. |
|---|---|
| Post-office, first floor | 1,700 |
| Custom-house, first, second, and attic floors | 3,380 |
| Court officers, second floor | 2,670 |
| Internal revenue, attic | 720 |
| Total | 8,470 |

I may state that owing to the intense summer heat the attic will be of little value.

To properly accommodate all the Federal officers provision should be made for the erection of a three-story building, with the following floor space.

| | Sq. feet. |
|---|---|
| Post-office | 2,200 |
| Custom-house | 4,200 |
| Court officers | 3,200 |
| Internal revenue | 800 |
| Total | 10,400 |

And such a building would cost $175,000.

I may state, also, that the working drawings for the erection of the building under the existing limit are finished, and should the limit be extended new sketch plans and working drawings will have to be prepared.

The report of the Register of the Treasury for the fiscal year 1887 shows receipts at Key West, Fla., from customs, immigrant fund, fines, etc., $728,970.43.

The report of the Commissioner of Internal Revenue does not show the receipts in cities, but shows the total amount for the district of Florida as $322,903.20, of which it is understood the major part is from Key West.

Respectfully, yours,

WILL. A. FRERET,
*Supervising Architect.*

The SECRETARY OF THE TREASURY.

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TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
*Washington, D. C., February* 25, 1888.

SIR: Referring to Department letter of the 18th instant, transmitting copy of a report submitted to me by Mr. Will. A. Freret, supervising architect of this Department, in regard to Senate bill No. 218, proposing to extend the limit of the cost of the public building at Key West, Fla., I have the honor to inclose copy of letter addressed to me on the 24th instant by Mr. Freret, submitting copy of letter of the 18th instant addressed to him by Mr. S. S. Harvey, superintendent of construction of the building named, in regard to the matter referred to.

Respectfully, yours,

C. S. FAIRCHILD,
*Secretary.*

Hon. S. PASCO,
*U. S. Senate.*

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
*Washington, February* 24, 1888.

SIR: Referring to office letter addressed to you on the 18th instant, I have the honor to inclose copy of letter addressed to me, under date of the 18th instant, by Mr. S. S. Harvey, superintendent of the court-house, etc., at Key West, Fla., in regard to the matter of extending the limit of cost of the building named, which is contemplated by Senate bill No. 218.

Respectfully, yours,

WILL. A. FRERET,
*Supervising Architect.*

Hon. C. S. FAIRCHILD,
*Secretary of the Treasury, Washington, D. C.*

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OFFICE OF SUPERINTENDENT OF UNITED STATES COURT-HOUSE,
*Key West, Fla., February* 18, 1888.

DEAR SIR: At the request of Senator Call by wire, I furnish you some data as to the importance of enlarging the proposed Federal building at this point. I inclose a statement of custom-house business; you will find that it is ninth or tenth in receipts among the custom-houses of the country. There has been a rapid increase for several years back, and there is every reason for supposing the increase will continue. The collector estimates that the increase for next fiscal year will be 30 to 40 per cent. The room now provided for customs service in new Federal building will not be sufficient for the present service, without increase. The business has doubled in past three years.

The United States court held here has a very large number of admiralty cases before it annually; the judge residing here and the court being in session almost every week in the year. The large number of admiralty cases bring here in attendance at this court representative men from all the principal ship-owning cities of the world. This place now has about 20,000 population and is rapidly growing, and while the room provided in new building would be sufficient for present post-office, it will be but a very few years before it will be entirely too little to handle the business. There is no provision for internal-revenue officers at all; the internal-revenue receipts here being some $300,000 per year and rapidly increasing.

This place is visited annually by a number of foreign war vessels, and the first impression they get of our country comes from the appearance of the official home of the first representative of the Government they come in contact with. When there is a way by which vessels pass through or across the Isthmus of Panama, this becomes the only port in our country directly on the line of the world's commerce, and must become one of the largest and most important sea-ports we have.

I have hurriedly written these points, as I have but a few moments for this mail.

Respectfully, yours,

S. S. HARVEY.

Hon. WILL. A. FRERET,
*Washington, D. C.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 958.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. PASCO, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill S. 1813.]

At the first session of the Forty-seventh Congress a bill was introduced and referred to this committee, embracing, with other matters, the claim included in this bill. A favorable report prepared by Mr. Cameron, of Wisconsin, was made upon the portion of the claim which is now before the committee, and the rest of the claim was disallowed.

In the Forty-eighth Congress a favorable report was again made by this committee, through Mr. Cameron, upon this part of the original claim, and another favorable report in the same language as the former reports followed in the Forty-ninth Congress, and the bill was passed by the Senate, but no final action was taken by the House, although there was a favorable report made there.

The present bill proposes to give relief for the portion of the claim which has thrice been approved by this committee, and the committee adopts so much of the former reports as relates to the claim as now made, excluding that which relates to the portion formerly rejected.

The following is taken from the report made at the second session of the Forty-eighth Congress:

This claim is (2) for rent of houses used for offices by Federal troops and for storing purposes during the years 1865–'66, at Tallahassee, Fla.

Under the second head, viz, claim for rent of houses used for offices and storing purposes, claimant submits in proof of his claim duplicate vouchers for rents aggregating in amount $392.50. These vouchers were given by Quartermaster J. M. Hutchinson and Assistant Quartermaster John J. McClellan, respectively, on Form 22, and were duly certified and reported by them. They are as follows:

No. 22.

*The United States of America to A. Hopkins, Dr.*

| Date of purchase. | | Dollars. | Cents. |
|---|---|---|---|
| August 31st, 1865. | For rent of one house with four rooms, one room used for commissary stores, at 25.00 per month, from Aug't 1st to 31st..... | 25 | 00 |
| | Two rooms used for Q. M. stores, at 12.50 each pr month, from Aug't 1st to 31st..... | 25 | 00 |
| | One room used for post headquarters, at 12.50 pr month, from Aug't 1st to 31st..... | 12 | 50 |
| | | 62 | 50 |

I certify, on honor, that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, and that they are reported on my report of persons and articles for August, 1865.

J. M. HUTCHINSON,
*1st Lt. 99th U. S. C. I. & A. A. Quartermaster.*

Received at ——, the —— of ——, 1865, of —— ——, quartermaster, U. S. Army, —— dollars and —— cents, in full of the above account.

A. HOPKINS.

(Signed in duplicate.)

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No. 22.

*The United States of America to A. Hopkins, Dr.*

| Date of purchase. | | Dollars. | Cents. |
|---|---|---|---|
| September 30th, 1865. | For rent of one house with five rooms, one room used for commissary stores, from Sept. 1st to 30th, one month, at 25.00 pr month | 25 | 00 |
| | Two rooms used for Qr. Mr. stores from Sept. 1st to 30th, one month, at 10.00 pr month each | 20 | 00 |
| | One room used for post headquarters from Sept. 1st to 30th, one month, at 10.00 pr month | 10 | 00 |
| | One room used as office for Maj. Dewey, Chief of Art'y and Ordnance, from Sept. 1st to 30th, one month, at 10.00 pr month | 10 | 00 |
| | | 65 | 00 |

I certify, on honor, that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, and that they are reported on my report of persons and articles for September, 1865.

J. M. HUTCHINSON,
*1st Lt. 99th U. S. C. I. & A. A. Quartermaster.*

Received at —— the —— of ——, 1865, of —— ——, quartermaster, U. S. Army, —— dollars and —— cents, in full of the above account.

A. HOPKINS.

(Signed in duplicate.)

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No. 22.

*The United States of America to A. Hopkins, Dr.*

| Date of purchase. | | Dollars. | Cents. |
|---|---|---|---|
| October 31st, 1865. | For rent of one house with five rooms, one room used for commissary stores, from Octo. 1st to 31st, one month, at 25.00 pr month | 25 | 00 |
| | Two rooms used for q'rm'r stores from Octo 1st to 31st, one month, at 10.00 pr. month each | 20 | 00 |
| | One room used for post headquarters from Octo. 1st to 31st, one month, at 10.00 pr. month | 10 | 00 |
| | One room as office for Maj. Dewey, Chief of Art'y and Ordnance, From Octo. 1st to 31st, one month, at 10.00 per month | 10 | 00 |
| | | 65 | 00 |

I certify, on honor, that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, and that they are reported on my report of persons & articles for October, 1865.

J. M. HUTCHINSON,
*1st Lt. 99th U. S. C. I. & A. A. Quartermaster.*

Received at ——, the —— of ——, 1865, of —— ——, quartermaster, U. S. Army, —— dollars and —— cents, in full of the above account.

A. HOPKINS.

(Signed in duplicate.)

No. 22.

TALLAHASSEE, FLORIDA.

*The United States to A. Hopkins, Dr.*

| | | Dollars. | Cents. |
|---|---|---|---|
| 1865. Dec. 31st. | For rent of house, 1 room, used for storing comy. stores from Nov. 1st, 1865, to Dec. 31st, 1865, inclusive, (2) two months, at $25.00/100 per month | 50 | 00 |
| | For rent of house, 2 rooms, used for storing q'rm'r stores from Nov. 1st, 1865, to Dec. 31st, 1865, inclusive, (2) two months, at $10.00/100 pr. mo. pr. room | 40 | 00 |
| | For rent of house, 1 room, used as post hd'q'rs, from Nov. 1st, 1865, to Dec. 31st, 1865, inclusive, (2) two months, at $10.00/100 per month | 20 | 00 |
| | For rent of house, 1 room, used as office chief of ord., Dept. of Fla., from Nov. 1st, 1865, to Dec. 31st, 1865, inclusive, at $10.00/100 per mo | 20 | 00 |
| | | 130 | 00 |

(Across the face in red ink:) The obligation of the Government to pay rent for buildings in captured places being questioned, this voucher is given with the understanding that the payment thereof is subject to the decision of the Quartermaster-General.

I certify that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, and that the services have been reported by me, according to the Army Regulations, as per my report of "Persons and articles" for December, 1865.

JOHN J. MCCLELLAN,
*Capt. & Ass't Q'rm'r Vols.*

Received at ——— the ——— of ———, 1865, of ——— ———, assistant quartermaster, U. S. Army, the sum of one hundred and thirty dollars and ——— cents, in full of the above account.

[Duplicate.] ——— ———.

No. 22.

TALLAHASSEE, FLA.

*The United States to A. Hopkins, Dr.*

| | | Dollars. | Cents. |
|---|---|---|---|
| 1866. Jany. 31st. | For rent of house, 1 room, used for storing com'y stores from Jan'y 1st, 1861, to Jany. 31st, 1861, inclusive, one (1) month, at $25.00/100 per month | 25 | 00 |
| | For rent of house, 2 rooms, used for storing qr. mr. stores, from Jany. 1st, 1866, to Jany. 31st, 1866, inclusive, (1) one month, at $10.00/100 pr. mo. per room | 20 | 00 |
| | For rent of house, 1 room, used for post hd. qrs., from Jany. 1st, 1866, to Jany. 31st, 1866, inclusive, one (1) month, at $10.00/100 per mo. | 10 | 00 |
| | | 55 | 00 |

(Across the face in red ink:) The obligation of the Government to pay rent for buildings occupied in captured places being questioned, this voucher is given with the understanding that the payment thereof is subject to the decision of the Quartermaster-General.

I certify that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, and that the services have been reported by me, according to the Army Regulations, as per my report of "Persons and articles" for January, 1866.

JOHN J. MCCLELLAN,
*Capt. and Asst. Q'rm'r Vol.*

Received at ——— the ——— of ———, 1865, of ——— ———, assistant quartermaster, U. S. Army, the sum of fifty-five dollars and ——— cents, in full of the above account.

——— ———.

[Duplicate.]

No. 22.

TALLAHASSEE, FLORIDA.

*The United States to A. Hopkins, Dr.*

| | | Dollars. | Cents. |
|---|---|---|---|
| 1866. Febry. 28th | For rent of house, 1 room, used as post h'd'qrs from Febry. 1st, 1866, to Febry. 28, 1866, inclusive, one (1) month, at $10 per month | 10 | 00 |
| | | 10 | 00 |

(Across the face in red ink:) The obligation of the Government to pay rent for buildings occupied in captured places being questioned, this voucher is given with the understanding that the payment thereof is subject to the decision of the Quartermaster-General.

I certify that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, and that the services have been reported by me, according to the Army Regulations, as per my report of "Persons and articles" for February, 1866.

JOHN J. MCCLELLAN,
*Capt. and Asst. Q'rm'r Vols.*

Received at ——— the —— of ———, 1865, of ——— ———, assistant quartermaster, United States Army, the sum of ten dollars and ——— cents, in full of the above account.

——— ———.

[Duplicate.]

No. 22.

TALLAHASSEE, FLA.

*The United States to A. Hopkins, Dr.*

| | | Dollars. | Cents. |
|---|---|---|---|
| 1866. March 15th. | For rent of house, 1 room used as Post h'dq'rs from M'ch 1st, 1866, to M'ch 15, 1866, inclusive, (15) fifteen days, at $10$\frac{00}{100}$ per month | 5 | 00 |
| | | 5 | 00 |

(Across the face in red ink:) The obligation of the Government to pay rent for buildings occupied in captured places being questioned, this voucher is given with the understanding that the payment thereof is subject to the decision of the Quartermaster-General.

I certify that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service; and that the services have been reported by me, according to the Army Regulations, as per my report of "persons and articles" for March, 1866.

JOHN J. MCCLELLAN,
*Capt. and Asst. Q'rm'r Vols.*

Received at ——— the —— of ———, 1865, of ——— ———, assistant quartermaster, U. S. Army, the sum of five dollars and ——— cents, in full of the above account.

——— ———.

[Duplicate.]

It thus appears that the Government through its proper officers entered into these several contracts with Mr. Hopkins, the claimant, to rent certain buildings of him at specified prices. The buildings were occupied by the military authorities for the time stated in the vouchers, but the money stipulated was not paid.

Under said act of February 21, 1867, the Departments have refused to pay any claims originating in the insurrectionary States from the beginning of the insurrection to the date of the President's proclamation declaring the insurrection at an end, whether such claims arose under contract or otherwise. And thus all persons whose just claims are based upon an express contract between themselves and the proper officers of the Government, made within the limits of the insurrectionary States within the period above named, are forced to appeal to Congress for relief.

Your committee are of the opinion that the claimant is entitled to be paid the amount of rent specified in the vouchers as hereinbefore set forth, to wit, the sum of $392.50, and recommend payment of this amount.

The original claimant having died and having been declared a bankrupt during his life-time, the amount would ordinarily be paid to his assignee; but the widow has, under the laws of the State of Florida, dower and other rights in her husband's estate, and the claim being of comparatively little value considering the large number of claims proved, the assignee has not felt it to be his duty to set up any opposition to the payment of the entire amount to the widow for reasons set forth in his letter which were deemed satisfactory by the committee.

The entire amount, as shown by the vouchers, is $392.50, as follows:

| Voucher of— | |
|---|---|
| August 31, 1865 | $62.50 |
| September 30, 1865 | 65.00 |
| October 31, 1865 | 65.00 |
| December 31, 1865 | 130.00 |
| January 31, 1866 | 55.00 |
| February 28, 1866 | 10.00 |
| March 15, 1866 | 5.00 |
| Total | 392.50 |

The bill provides for the payment of this amount, and the committee recommend that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 959.

IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1076.]

*The Committee on Pensions, to whom was referred Senate bill* 1076, *after a former reference, and upon consideration of additional evidence filed, have examined the same, and report:*

That the claimant, Hanna Leo, widow of John Leary before her second marriage, was, at the time of the death of her first husband, the wife of John Leary, deceased, late a private or sergeant, rated as "in general service of the U. S. Army."

The said John Leary enlisted on the 26th day of July, 1854, and was discharged July 26, 1859, by expiry of term of service. He re-enlisted August 26, 1859, and was assigned to Battery F, Third Artillery; served in the war of the rebellion; was slightly wounded at battle of Malvern Hill, July 1, 1862; was discharged for disability March 25, 1863, at Baltimore, Md. He again enlisted in the general service in the Adjutant-General's Office in Washington, April 7, 1863, whence he was discharged April 1, 1864. He was in the service in all about ten years.

The soldier died on December 8, 1872. He left surviving him the claimant, as widow, and four children. All of these except one are now over pensionable age. Their claim for pension was rejected. The widow afterward married a man by the name of Leo, who has since died, leaving her for the second time a widow. Neither husband was a man of any means. She now claims a pension for the service and death of her first husband. Leary, the soldier, died in Washington, December 8, 1872, of pneumonia, as it is certified.

We find that during his military service he was treated for rheumatism, for incised wound, for diarrhea, for ambustio, for chronic articular rheumatism. Medical and other testimony shows that at the time of his discharge and afterward he was suffering from lung troubles, appeared consumptive, was treated for the same, and we think it most probable that he died from the effects and results of disease incurred while in the service.

The widow is now over forty years old, very poor, dependent upon her daily labor for support.

We recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 960.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 1888.—Ordered to be printed

Mr. TURPIE, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2371.]

*The Committee on Pensions, to whom was referred the bill (S. 2371) granting a pension to Jacob Pitner, have examined the same, and report:*

The claimant was a private in Company K, One hundred and ninety-second Regiment Ohio Volunteer Infantry. It appears from the evidence of an eye-witness that about the 15th of May, 1865, he was kicked by a mule in the head and breast; was knocked down and trampled upon; remained insensible for several hours. He was treated in the quarters of the regiment, but not in hospital, for such injuries, partially recovered from them, but was discharged in September, 1865, as unable to perform duty.

He suffered much pain, and the wound in the crown of the head occasioning a deep scar, was the cause of much nervous derangement. He was not able to do manual labor of any kind from the time of his discharge. He remained in this condition until 1873, when he was attacked by partial paralysis of the legs, and shortly afterwards became blind.

Both lay and medical testimony trace the disease of the limbs to the original injury as the probable cause. As to the loss of sight the physician certifies that it must be caused by some "intercranial lesion," as there is no evidence of any external disease of the eyes.

Although there may not be technically or medically a traceable connection *shown* between the diseases of the claimant and his present disabilities, the reason of rejection, yet we conclude from the whole history of the case that these disabilities are the results of the injury received by him in the service and in the line of duty. He is now nearly sixty years old, very poor, can not walk without assistance, and totally blind. The disability is permanent, and he is very nearly as helpless as when he was first injured in 1863, in the Army.

We recommend the passage of the bill.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the followi

## REPORT:

[To accompany bill S. 2370.]

*The Committee on Pensions, to whom was referred the bill (S. 2370) grai ing a pension to Sarah C. Anderson and her children under the age sixteen, have examined the same and report:*

That the claimant is the widow of William H. Anderson, a private the Fifth Ohio Battery. He enlisted 27th of August, 1862, and w discharged June 1, 1863, upon a surgeon's certificate of disability. H continued in ill health constantly from the time of his discharge un 1883, when he became insane and was committed to the asylum at Lo View, Ohio, where he died.

The claim has been rejected upon the ground that the death and di ability of the soldier are not traceable to the Army service. But it shown by the testimony of a comrade, Waxel, that he was, while in t service, sent to a hospital of the Government; that he was treat there for brain fever; that he lay for some time suffering from bra fever. After his discharge it seems from both lay and medical tes mony that he was afflicted with chronic diarrhea (never cured) and wi epilepsy upon several occasions; and that while he was being so treat the physician noticed plain symptoms of dementia, even before his co mittal for insanity. We think, although the connection between t mortal disease and the original ailment may not be medically or path logically established, yet it is reasonably shown that there was su connection, and that the soldier's insanity and death were the results his service in the Army.

The passage of the bill is recommended.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 962.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1482.]

*The Committee on Pensions, to whom was referred the bill (S. 1482) granting a pension to Sarah C. Taylor, have examined the same, and report:*

That the claimant was a volunteer Army nurse in the military hospitals of the Government during the war of the rebellion. She entered the service October 15, 1862, and as appears from the sworn statement of Dr. Thurston, assistant surgeon, U. S. Army, she remained in the service three years, until the close of war.

It appears from the evidence that she was a faithful, valuable, and efficient nurse during all this period, and that her services were much needed and highly appreciated. Considering the nature of these services, the laborious details of attention and attendance upon the sick and wounded soldiers of the Government, the care and anxiety incident to an employment so kind, so beneficent in its objects, we do not hesitate to say that such a woman has earned the right to recognition and compensation very nearly, if not equivalent, to that accrued by service in the field for the same period.

We therefore recommend the passage of the bill, more especially as she is now over sixty years of age and without means of support.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 963.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2372.]

*The Committee on Pensions, to whom was referred the bill (S. 2372) restoring a pension to George L. Flech, have examined the same, and report:*

That the claimant was a private in Company G, One hundred and fifth Regiment Ohio Volunteer Infantry. He was up to March, 1867, a pensioner of the United States at the rate of $6 per month, on account of foot disease, the result of fever contracted in his military service. At the date last given he was dropped from the rolls by reason of his failure to attend a biennial examination. He has been refused restoration because it is not shown that since the dropping he is suffering from the pensionable disease or other disability incurred in the service.

His first surgical examination, of February 20, 1865, shows that he was suffering from disease of the feet, and that his general health was "somewhat impaired by the disease." His last examination, March 24, 1886, shows no rating for foot disease, but that "he is not strong, broken in health, and in nervous system especially." His general condition in 1865 and 1886 is the same, and we think from the same cause—direct or indirect results of the complaint contracted during his service.

Passage of the bill is recommended—restoration at the rate of $6, his former pension.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 964.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2415.]

*The Committee on Pensions, to whom was referred the bill (S. 2415) granting pension to Frances Paul, have examined the same, and report:*

This claimant's name was dropped from the pension-roll, as appears from the letter of April 6, 1888, on the ground of her open and notorious adultery and cohabitation with one Williams, since the death of her husband. We regret that from an examination of the evidence the truth of this charge is fully established, and we therefore recommend the indefinite postponement of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 965.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2334.]

*The Committee on Pensions, to whom was referred the bill (S. 2334) granting a pension to Mary J. Byrd, have carefully examined the same, and report:*

The claimant, Mary J. Byrd, is the widow of Solomon G. Byrd, late second lieutenant of Company B, Forty-third Ohio Volunteer Infantry. Her declaration was filed December 19, 1879, and rejected May 14, 1887, the ground of the rejection being "that the records of the Department failed to show that the alleged officer was in the military service of the United States at any time."

The action of the Pension Bureau in rejecting the claim for pension in this case was technically correct. The officer had never been mustered into the service of the United States. The Adjutant-General certifies that "the name of Solomon G. Byrd is not borne on the rolls of Company B, Forty-third Ohio Volunteer Infantry, and there is no record of said Byrd as commanding officer in said regiment." The adjutant-general of the State of Ohio, in reply to a letter addressed to him by the Commissioner of Pensions, certifies "that Solomon G. Byrd was appointed second lieutenant, and that he was mustered as second lieutenant in the Forth-third Ohio Volunteer Infantry on November 4, 1861, by A. B. Doch, captain U. S. Infantry, mustering officer." On the return of the papers to the War Department, after this certificate, for further examination, the Adjutant-General certified "his muster-in as reported by the adjutant-general of Ohio was evidently conditional upon the recruitment of a command and muster-in therewith on its completion."

Bertrand Andrews makes affidavit "that he was at the time of enlistment of the soldier a notary public; that the enlistment roll was signed, and that he administered the oath to the soldier; that he went into camp at Mount Vernon on the next day; that it was a wet, cold day, and a few days after that he was brought home sick, and that he never recovered from this sickness, and died in April, 1863; that his enlistment was in October or November, 1862; that he went with the soldier in November, 1862, to Sparta and to Vailes Cross Roads to procure volunteers, at both of which places he addressed audiences, and several persons enlisted; that the soldier died of consumption from cold contracted in the service."

Thomas Turner makes affidavit that he was a member of Company B, Forty-third Ohio Volunteer Infantry; "that in the month of November, 1862, he was with the said company in camp at Mount Vernon, Ohio; that before said regiment was organized fully Solomon G. Byrd, whom he had known to be a man of good health and constitution for twenty years, came to said camp with a number of recruits; that it was a cold, stormy day when he arrived; that the soldier had been enlisting and recruiting for said regiment; that on the night of his arrival in said camp he took a severe cold and was sent home on account of the said sickness a few days before the said regiment was organized; that the affiant served in the said regiment during the war, and that the soldier had enlisted but had not been mustered in on account of his being sick at home and his inability ever to again join the regiment; that he died in April, 1863."

The facts disclosed by the records of this case clearly bring the husband of the claimant within the equities of the pension laws.

Technically, he was not entitled, or his widow, to a pension, as he had not been mustered into service, but that he contracted the disease from which he died in the line of duty devolving upon him by the oath which he had taken and the duty to which he had been assigned in recruiting for said regiment, and was only deprived of the benefits which the law confers upon a soldier by having contracted a fatal disease just prior to his being legally mustered into the service of the United States, seems to be fully sustained by the evidence in the papers.

Under these circumstances the committee is of opinion that the widow of the soldier is entitled, upon every equitable ground, to the relief from Congress asked in the bill.

Senate bill 2334 is therefore reported favorably, with the recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 966.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2274.]

*The Committee on Pensions, to whom was referred the bill (S. 2274) granting an increase of pension to Catharine K. Whittlesey, have carefully examined the same, and report:*

The claimant, Catharine K. Whittlesey, widow of Maj. James H. Whittlesey, filed her declaration for a pension, by reason of the death of her husband of disease contracted in the service of the Government, September 2, 1886. A pension was granted January 28, 1887, "for malarial poison and resulting disease of the liver," rating the pension to which she was entitled at $17 per month, commencing August 2, 1886. The bill asks that the widow be pensioned by special act of Congress at the rate of $40 per month.

The husband of the claimant graduated in 1844; promoted a second lieutenant September 18, 1845, first lieutenant October 18, 1847, captain October 22, 1854, and major of the Fifth Cavalry November 12, 1861; retired as major November 30, 1863. He was in active service of the Government in Louisiana in 1845; in the military occupation of Texas to January 29, 1846; in Kansas, June, 1846; served in the Mexican war, 1848; on field service in New Mexico to November 13, 1851; stationed in Kansas in 1854; New Mexico in 1855; in Oregon in 1861; with the Fifth Cavalry in the Army of the Potomac to May, 1862; on special duty at Harrisburgh to February, 1863; mustering and disbursing officer at Concord, N. H., to February, 1865; commanding Camp Randolph, Madison, Wis., to July 3, 1865; recruiting service to February 4, 1867; on special service at Winchester, Va., to June, 1868; professor of military science, etc., at Cornell University, New York, to February 21, 1870; secretary and treasurer of the Soldiers' Home near Washington, D. C., to July 5, 1881.

The above record shows that Major Whittlesey was continuously in active service from 1844 to May 21, 1867; that he was on frontier duty; that he served in the Mexican war, and was especially noticed for gallantry at the battle of Buena Vista. The evidence in the papers further shows that he was in numerous Indian engagements, and exposed to severe hardships during these expeditions; that after he had been retired by reason of physical disability, he was assigned to special duty for nineteen years, in all of which positions he gave satisfaction to his superior officers. There are but few that can show a prouder or more honorable record in the service of his Government than Major Whittlesey.

The Commissioner of Pensions, under what he construes to have been the cause of the death of Major Whittlesey, as shown by certificate of disability dated in 1852, and under the strict letter of the law, has given the widow the pension only of the widow of a first lieutenant, while the record shows that he held the rank of captain in active service for nine years, and of major for two years before he was retired, and that he was in active service or assigned to special duty with the rank of major from 1861 to 1881, a period of twenty years. The cause of death, as certified, was malarial fever, and the record shows that after his service in the Army of the Potomac, in the Peninsula, he was granted sick leave for malarial trouble. At that time and for a year anterior to it he held the rank of major. D. L. Huntington, surgeon, U. S. Army, certifies under date of August 28, 1886, as follows:

This is to certify that I was the medical attendant of Maj. J. H. Whittlesey, U. S. Army (retired), during the years from 1876 to 1880, both inclusive, while he was an officer of the Soldiers' Home, near this city. During this period he suffered more or less continuously and severely from chronic inflammation of the liver, and with attacks of acute inflammation of the duodenum. I am inclined to believe from his condition and history that this trouble originated in the line of his duty while an officer of the Army in active service, and was due to exposures incurred in the early part of the civil war.

If this certificate is to be taken as true, the widow of Major Whittlesey, under the law, and as a matter of right, would be entitled to a pension at the rate of $25 per month, the rate allowed the widow of a major.

Your committee would recommend that Senate bill 2274 be amended in line 8, by striking out the word "forty" and inserting in lieu thereof the word "twenty-five," and as amended the bill is reported favorably, with the recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 967.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1500.]

*The Committee on Pensions, to whom was referred the bill (S. 1500) granting a pension to Margaret M. Miller, have carefully examined the same, and report:*

The facts bearing upon the right of the claimant, Margaret M. Miller, to be pensioned as a volunteer Army nurse during the war of the rebellion have been carefully examined by the committee, who are of opinion that under the precedents which Congress has made in the granting of pensions to ladies who volunteered and devoted themselves to the laborious duty of nursing the sick and wounded of the Army during the war, that the right of this claimant is clearly made out for such relief by the exhibits hereto appended (see exhibits marked A to H), which exhibits present all of the facts upon which the right of the claimant rests for a pension.

Your committee would, therefore, report Senate bill No. 1500 favorably, and recommend that it do pass.

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EXHIBIT A.

ELGIN, ILL., *December*, 1887.

*To the honorable Committee of Pensions, United States Senate:*

I, Margaret M. Miller, as your petitioner, submit the following statement, and ask your generous consideration of it with the evidence submitted.

I responded to the call of Governor Morton, of Indiana, for helpers in hospital work, the need of the same being at that time very great in the Western armies, February 29, 1863, as a volunteer nurse from Indiana, I being then a resident of Goshen, Ind.

I was assigned to Adams' Black Hospital, Memphis, Tenn., where I served continuously until May 27, 1865; my services no longer required, the sick sent home, and war about over, hospital closed.

I submit herewith my appointment, vouchers, letter of recommendation received then from Dr. Study, the last surgeon in charge there, with other proofs of service, showing the value and character of the same, and ask full consideration.

I deemed it a privilege to work for the poor sick soldiers, and I have thought I would never apply for pension or pay for services then rendered, as the length of time which has elapsed can prove to you, but circumstances alter cases. I am now over sixty years old, I have no home of my own, and have an invalid friend depending on me; because of this need of the relief, I now ask I may be allowed a pension as a volunteer Army nurse, at $25 per month during the remainder of my life, believing, as I do, that my country can now afford, from its surplus millions, to remember both women and men who served her faithfully at a time of peril which none can forget.

With great respect, gentlemen, very truly, yours,

MARGARET M. MILLER,
*Late Volunteer Army Nurse.*

EXHIBIT B.

OFFICE OF CHICAGO SANITARY COMMISSION,
*February* 17, 1863.

Miss Margaret Miller has been this day appointed nurse in the military hospitals of the Western Department, by authority delegated to Mrs. A. H. Hoge and Mrs. D. B. Livermore, by Miss D. L. Dix, general superintendent of nurses in military hospitals in the United States.

For D. L. DIX,
Mrs. A. H. HOGE,
Mrs. D. B. LIVERMORE,
*Chicago Sanitary Commission.*

Miss Margaret Miller has been detailed to service in the general hospitals at Memphis, Tenn.

N. B.—If the place of service is changed a new certificate will be issued.

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EXHIBIT C.

ADAMS GENERAL HOSPITAL,
*Memphis, Tenn., May* 31, 1865.

Miss Maggie Miller, the bearer of this, has been connected with this hospital for more than two years, during which time she has performed her duties in the most satisfactory manner.

Miss Miller I regard as a lady in every sense of the word, and therefore cheerfully recommend her to the consideration of any whom it may concern should she make application for employment again in the capacity of nurse.

J. M. STUDY,
*Surgeon in Charge.*

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EXHIBIT D.

BOURBON, IND., *December* 24, 1887.

This is to certify that I, Samuel France, of Bourbon, Marshall County, and State of Indiana, have known Margaret Miller, formerly of Goshen, Ind., but now of Elgin, Ill., and that her moral standing is above suspicion; and further, that her patriotism and love of her country and Government was so strong that during the struggle for the suppression of the Southern rebellion she volunteered her services and went to the front as a nurse in the hospitals, where day after day and night after night she might be found taking care of suffering soldiers; weary and tired though she may have been, yet she was always ready and willing to encourage and cheer up the suffering and despondent and soothe the pillow of the dying soldier.

Month after month and year after year she devoted her services to her country from the last of February, 1863, to the best of my knowledge and belief, until May 27, 1865.

And I further certify that I have no pecuniary interest in any claim she has, or may have, against the Government of the United States.

SAMUEL FRANCE,
*Late Surgeon of the One hundredth Indiana Volunteer Infantry.*

STATE OF INDIANA, *County of Marshall, ss:*

Before me, Jesse D. Choplin, a notary public in and for Marshall County, State of Indiana, on this 24th day of December, 1887, came Samuel France, to me well known, and having signed, was by me sworn to the above and foregoing affidavit, the same being in the handwriting of said Samuel France, the affiant. I have no interest whatever in the matter in relation to which this affidavit is made, and a certificate of my official character has been filed in the Pension Office at Washington City, D. C.

Witness my hand and notarial seal, this 24th day of December, 1887.

[SEAL.] JESSE D. CHOPLIN,
*Notary Public.*

EXHIBIT E.

STATE OF INDIANA, *Warren County, ss.*

Before me, Merrill Moores, a notary public in and for said county, duly commissioned and qualified to administer oaths, personally appeared George O. Jobes and, under oath, made the following statement, to wit: I reside at No. 417 Indiana avenue, Indianapolis, in the county and State above named, and have resided there for about twelve years past, and previously thereto I resided in Randolph County, of the same State. I am a physician, and until my removal to this city was engaged in the practice of medicine.

By apppointment of Gov. O. P. Morton, I served as a State military agent for the State of Indiana from August, 1862, until August, 1865, and as such was in charge of the local office at Memphis, Tenn., from March, 1863, until the close of my term of service.

Part of my duties as State military agent were to receive nurses sent out by the State, procure their assignment to duty, supervise their services, and in all proper ways to promote their efficiency and personal welfare.

In the discharge of these duties I became acquainted with Margaret M. Miller, then a resident of Goshen, Ind., but now of Elgin, Ill., whom I found already on duty as a nurse at Adams Hospital, and who remained there until its close in May, 1865. During all this time I visited the Adams Hospital frequently, and I know that I express the opinion of all who knew her, from superintendent down, when I say that she was one of the most useful nurses in the hospital.

GEO. O. JOBES.

Subscribed and sworn to before me this 3d day of January, 1888. Witness my hand and notarial seal.

MERRILL MOORES. [SEAL.]

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EXHIBIT F.

[Salem bank, established 1854.]

GOSHEN, IND., *December* 29, 1887.

*To the Commmittee on Pensions, Washington, D. C., United States Senate, or whom else it may concern:*

I take pleasure in stating that before, during the war of the rebellion, and for years thereafter Miss Margaret Miller resided in Goshen, Ind., where also I was then and am now a resident. That I know quite well that she, with two other ladies of this place, patriotically responded to the call for female nurses to attend to and minister to the sick and wounded soldiers. She and those other ladies went from our town to the hospitals near the front in February, 1863, and were on duty as nurses until sometime in May, 1865, except Miss Powell, one of the three, who, I think, died at Memphis in said service.

No soldier who shouldered a gun, performed long marches, endured heat, thirst, rain, and marched into the face of battle did for the country a more patriotic or valorous service than did these three ladies of our town, of whom Miss Margaret Miller, now of Elgin, Ill., was one; and she deserves a pension. If the law does not reach far enough to include her claim, it should do so.

I further certify that I am in no way related by blood or affinity to said Miss Miller, and have no interest in her claim, other than to show her meritorious claim.

I further state, Miss Miller, during all the many years of her residence in Goshen established and maintained an unblemished life of virtue, her good name being known and acknowledged by all persons of our town. In support of all these statements, I refer to General Milo S. Hascall, Col. M. B. Hascall, of Forty-eighth Indiana, William A. Thomas, banker, and Mrs. W. A. Thomas, Dr. M. M. Latta, Captain Hawks, Dr. Jackson, Rev. H. Vannuys, D. D., and others, for the verity of the statements herein made.

Respectfully,

JNO. W. IRWIN.

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EXHIBIT G.

ELGIN, ILL., *December* 20, 1887.

*To the honorable Committee on Pensions, United States Senate:*

I, David C. Scofield, of this city, do submit the following statement, namely: Miss Margaret M. Miller, who served as army nurse in the hospitals of Memphis, Tenn.,

and after the war and until 1875 as teacher among the freedmen, when, in failing health, she retired for rest, and who since that time has resided in this city, filling important stations in the moral and religious life, till now, in failing health and without a home of her own, and having passed the age of sixty, very reasonably asks a pension at your hands during her natural life of not less than $25 per month.

Very respectfully, yours,

DAVID C. SCOFIELD.

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EXHIBIT H.

ELGIN, KANE COUNTY, ILL., *December* 30, 1887.

*To the honorable Committee on Pensions, United States Senate:*

This is to certify that I have been acquainted with Miss M. M. Miller for the past twelve years, and take pleasure in recommending her as a worthy Christian lady, in every way deserving. She has no means of support aside from her earnings, and is in delicate health, having never been strong and robust since my acquaintance with her.

Very respectfully,

S. K. WHITFORD, M. D.,
36 *Dundee Ave., Elgin, Ill.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 968.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2301.]

*The Committee on Pensions, to whom was referred the bill (S. 2301) granting an increase of pension to Manhattan Pickett, have carefully examined the same, and report:*

The claimant in this case is now drawing a pension of $36 per month, under a special act of Congress approved July 14, 1886. After a full examination of the facts of this case, and the report of Senator Blair, No. 915, made to the first session of the Forty-ninth Congress, which clearly and briefly states the facts, the committee is of the opinion that the claimant's pension should be increased to the amount allowed under the law approved August 4, 1886, for the loss of a leg at the hip joint, or so near the joint as to prevent the use of an artificial limb. The evidence is conclusive that the claimant is more disabled by reason of the wound from which he is now suffering, and is less able to provide for the maintenance of himself and family, than if he was on crutches and had his limb amputated "so near the hip joint as to prevent the use of an artificial limb." His condition can not be remedied by the amputation of the leg at or above the knee-joint, from the fact that his physical condition is such that the operation could not be performed without endangering life.

Your committee would, therefore, recommend that Senate bill 2301 be amended by striking out in line 6 the words "one hundred," and inserting in lieu thereof the word "forty-five," and as so amended the bill is reported favorably, with the recommendation that it do pass.

The following is the report made to the Forty-ninth Congress, referred to above:

The soldier is now in receipt of a pension for gunshot wound, described as follows by J. L. Stewart, president board of examining surgeons:

"Gunshot wound of posterior surface of left leg, leaving an ulcerated discharging wound 3½ inches long over the lower part of the gastrocnemius muscle, the lower third of which muscle has been removed by inflammatory action and discharges, producing pain and weakness of the leg and ankle, and impairing his ability for manual labor, causing a disability equal to the loss of a hand or foot."

Dr. Pickett has appeared personally before your committee, and, having examined him carefully, they find the leg atrophied, with a large ulceration, which is evidently incurable.

The leg requires bandaging to be constantly renewed, and is offensive to the smell. This has impaired his general health and reduced it to so low an ebb that an amputation of the leg, though very much to be desired, would now be exceedingly dangerous and probably fatal.

Taking all things into consideration, your committee think that this pensioner would be better off had his leg been amputated.

In addition to the above, the following affidavit has been filed in support of the claim for increase, as follows:

CITY OF WASHINGTON, *District of Columbia, ss:*

Alexander M. Lowry, after being duly sworn, deposes and says that he was late adjutant of the One hundred and twelfth Regiment, New York State Volunteers; that he was attached to said regiment from August, 1862, until about September, 1864; that he was well acquainted with Manhattan Pickett, late a sergeant of Company B, of said regiment, who is now an applicant for a pension by special act of Congress by bill H. R. No. 7165; that he has known him since August, 1862.

Affiant further states that said Pickett was wounded at Cold Harbor in the line of duty; that he was immediately afterward taken to the hospital, where he remained until discharged and sent home. Said Pickett has never recovered from the effects of said wound, but is now entirely disabled and rendered utterly helpless and unable to do anything to support himself or family in consequence thereof. This wound has never healed, but on the contrary has continually grown worse until at the present time it is in such an offensive condition that it is necessary to dress the same at least twice every day. The soldier is himself an eminent physician and surgeon, one of the best in western Pennsylvania, and has therefore been able thus far to prescribe for his own case; were he required to employ medical assistance it would take a much larger amount of money to pay for the same than his present pension. He now requires constant care, attendance, and treatment on account of the offensive and dangerous character of this wound and its discharges. Under its influence his health is rapidly declining, owing to the constant and severe drain upon his physical system; this is greatly enhanced by the continuous pain which he suffers on account of this wound, which has shattered his nervous system, and requires large quantities of opiates to be persistently administered in order to relieve the same, the effect of which has necessarily been very injurious. The said wound is several inches in length from the knee down and the flesh is gradually sloughing off, the result of which is of the most disagreeable character. He long ago would have submitted to amputation of the leg above the knee were it not for the fact that he has been assured by the best medical authorities in that section that such amputation would probably result in death. The claimant has therefore continued to drag out a miserable existence, which it is the belief of your affiant can not probably be continued but a short time, and which it is very probable may even be numbered by months.

Affiant further states that the claimant has a wife and one young child depending upon him for support; that he is entirely without property or means; that he is an eminent physician, and would be capable, if physically able to attend to his profession, of securing a large and lucrative practice; that he has been surgeon of the Philadelphia and Erie Railway Company, but, not being able to attend to the duties of that position, must resign the same.

Affiant further states that the wife of said claimant has been his constant attendant, and has given and is now giving a large portion of her time, strength, and energy to his care, and that but for her assistance he would be compelled to procure the constant aid and attendance of another person, which he is now unable to do by reason of poverty.

Affiant further states that he has no interest in the prosecution of the above claim.

ALEX. M. LOWRY.

Sworn and subscribed before me this 4th day of May, 1886.

[SEAL.]

R. B. NIXON,
*Notary Public.*

Your committee think that the evidence shows a condition of this soldier which will fully warrant the pension of $50 per month, as it would seem that he requires the aid and attendance of another, besides constant medical attendance. The bill is therefore reported back with a recommendation that it do pass, with the following amendment: Strike out the word "thirty-six" in the sixth line, and insert the word "fifty."

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 969.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2336.]

*The Committee on Pensions, to whom was referred the bill (S. 2336) granting a pension to Mary A. Fletcher, widow of James Fletcher, late private of Company E, First District of Columbia Volunteer Infantry, have examined the papers in the case, and report:*

Under the rule adopted by the committee, to wit, that the committee should not take jurisdiction of any claim pending and undecided by the Pension Bureau, Senate bill 2336 is reported adversely, with the recommendation that it be indefinitely postponed, in order that the papers may be promptly returned to the Pension Bureau for further action.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 970.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2236.]

*The Committee on Pensions, to whom was referred the bill (S. 2236) granting a pension to Fanny Williams, widow of William H. Williams, a lieutenant in the Seminole war, have examined the same, and report:*

The claimant made application for a pension to the Pension Bureau September 30, 1886. The Commissioner of Pensions, in a letter to the chairman of the Committee on Pensions, dated March 29, 1888, says:

As requested, I forward herewith all the papers in the pension claim of Fanny Williams, widow of W. H. Williams, late a lieutenant in Maj. B. P. Putnam's regiment in the Seminole war, which is now pending in this Bureau.

Under the rule adopted by the committee, as this case is now pending and undetermined before the Pension Bureau, the bill is reported adversely, with the recommendation that it be indefinitely postponed, so that the papers may be returned to the Pension Bureau for further action by it.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 971.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2294.]

*The Committee on Pensions, to whom was referred Senate bill 2294, restoring the pension of William Bushfield, have examined the same, and report:*

The claimant, William Bushfield, was a private in Company D, Fifteenth Regiment Ohio Volunteer Infantry. He filed his declaration December 13, 1876, and an amended declaration December 11, 1879, alleging a slight wound in the head and chronic rheumatism in the right shoulder and arm, contracted in the war of the rebellion. A pension was granted April 19, 1881, for both the injury and disease alleged in his declaration, to commence from November 22, 1865.

Within that same year letters were addressed to the Commissioner of Pensions, from the town in which the claimant resided, questioning his right to a pension. In the spring of 1882 he was ordered by the Commissioner of Pensions before an examining board, but he failed to appear before the board, but sent his certificate entitling him to a pension to the Commissioner, accompanied by a letter, in which he stated:

> The disability for which pension was granted does not now, in my judgment, exist sufficient to convince me that I should longer claim a pension under it. While my disability, under treatment, has materially changed for the better I am not entirely relieved of it. My rheumatism, I am informed by physicians, will never be entirely eradicated, but I am so much better than I have been for a long time that I do not feel disposed to longer ask aid of the Government.

To this letter, under date of April 12, 1882, the Commissioner addressed the claimant a very complimentary letter and requested that he would permit him to make public this meritorious act on his part.

Senate bill 2294 now asks that he be restored to the pension rolls, because of chronic rheumatism and catarrh, at the rate of $30 per month. In support of the claim for the relief asked he files the affidavit of a number of physicians and two or three laymen, which tend strongly to sustain his claim for restoration on the pension rolls, but there is nothing in the evidence submitted in the papers which would justify, in any degree, the committee in changing the rating to which he would be entitled as a pensioner under the general pension laws.

The question, under these circumstances, which presents itself is whether the claimant's right to restoration should be considered before application is made by him to the Pension Bureau, under the general law. We think that the same rule which has uniformly been adopted,

requiring applicants whose cases clearly come within the provisions of the statutes to make applications to the Commissioner of Pensions first, should also be enforced in applications for restoration which have never been acted upon by the Pension Bureau. If the committee was of opinion that under the facts of this case the claimant was entitled to a pension at a higher rate than that allowed by the general law, the case would be brought within an exception to the general rule, but such is not the case in the judgment of the committee. There are also circumstances in this case which in the opinion of the committee seems to require the enforcement of the rule laid down.

With the view that the case may receive prompt attention from the Pension Bureau, the bill, without prejudice to the claimant, is reported adversely with the recommendation that it be indefinitely postponed.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 972.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2061.]

*The Committee on Pensions, to whom was referred the bill (S. 2061) granting a pension to Sarah White, widow of Newell White, late private in Company B, Fourth Regiment Michigan Volunteers, have examined the same and report:*

The claimant filed her declaration for a pension June 3, 1887. The claim was rejected January 7, 1888, on the ground that "the death of the husband was caused by a stroke of lightning, and was not in any way due to his military service."

The soldier in this case had been pensioned just prior to his death for lung trouble. There is no conflicting testimony in the case as to the cause of the soldier's death, and there are no peculiar circumstances developed in the testimony which would especially appeal to Congress for relief. The law is clear, that a widow can only receive a pension when the death of the husband is the result of a wound, injury, or disease, which would have entitled him to a pension had they caused his disability. In this case the death is shown by incontrovertible testimony to have been the act of God, and there are no facts which would justify the committee in reporting this case favorably.

Senate bill 2061 is reported adversely, with the recommendation that it be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 973.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1373.]

*The Committee on Pensions, to whom was referred the bill (S. 1373) granting a pension to William B. Barnes, have carefully examined the papers submitted, and report:*

The soldier, William B. Barnes, who was pensioned by special act of Congress, approved February 22, 1887, departed this life on the 6th day of March, 1887. Under these circumstances the committee has deemed it unnecessary to inquire into the merits of this case, as they are of opinion that Congress can grant no relief to the soldier.

The bill is therefore reported unfavorably, with the recommendation that it be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 974.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2054.]

*The Committee on Pensions, to whom was referred Senate bill 2054, for the relief of Ernest Shillinger, have examined the same, and report:*

The claimant in this case filed his declaration for a pension October 5, 1885, claiming that he enlisted as a baker in the Twenty-seventh Regiment Pennsylvania Cavalry. The ground of the claim is rheumatism contracted in the service and in the line of duty, in the war of the rebellion. He alleges that he was captured on the 30th of August, 1862, and by exposure while a prisoner he contracted the rheumatism of which he now complains. It appears from the evidence in the case that he was employed in the Commissary Department, and was regularly paid from February 1, 1862, to April 20, 1865, but he had never been enlisted regularly in the Army.

There is no evidence to show or even tend to prove, that the rheumatism with which he is now afflicted was contracted in the service of the Government, or that he was suffering from the disease at any time during the three years that he was employed as a baker in the Army after the date of his alleged capture. There is no hospital record showing that he was treated for rheumatism during those three years. No statement accompanies the bill from any of those who were associated with him in the Army alleging the fact that he suffered at any time while he was employed as a baker with rheumatism. The claim was rejected by the Pension Bureau March 28, on the ground that "the claimant was not a duly enlisted man, but a civilian in the employ of the Commissary Department at the time his disability is alleged to have occurred." Although there are precedents for allowing pensions to persons who were not regularly enlisted, yet it can only be done under those precedents where the proof is clear that the claimant contracted the disease while in the service of the Government.

The committee would therefore report Senate bill 2054 adversely, and recommend its indefinite postponement.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 975.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2361.]

*The Committee on Pensions, to whom was referred the bill (S. 2361) granting a pension to Sarah J. Eyster, have carefully examined the same, and report:*

Capt. John S. Eyster, husband of the claimant, Sarah J. Eyster, enlisted as a private in Company K, Twelfth Regiment Pennsylvania Volunteers, and was mustered into service August 10, 1861; discharged July 21, 1862. The claimant filed her application December 12, 1879. The claim was rejected by the Pension Bureau January 15, 1883.

The claimant in her petition alleges that about April, 1878, her husband was working at Braddock, in the State of Pennsylvania; that his mind was at that time unsound, caused by a severe wound received at the battle of South Mountain and subsequent exposure; that she procured him a position on the Baltimore and Ohio Railroad and sent for him to come home; that he started for home and never arrived there; that a few weeks afterwards she noticed in a Pittsburgh paper that a body had been found in a stream, and from the description she believed it to be the body of her husband; that she had never heard from him since.

She also filed the affidavit of Dr. E. W. Canfield, who testifies that he was well and intimately acquainted with her husband during life; that he frequently noticed his mental aberration, which he first attributed to the use of stimulants, but on better acquaintance he was satisfied that it arose from diseased mental faculties, or in other words, incipient insanity, sometimes strongly marked.

The claim of widow was rejected on the ground "that the date, cause, or fact of the soldier's death had not been proven by the claimant."

There is no evidence in the record of this case, except the statement of the claimant, that the soldier had ever been wounded; the fact stated by her, that he had received a severe wound at the battle of South Mountain, is negatived by the fact that he was discharged on the 21st of July, 1862, and the battle of South Mountain was not fought until the 14th of September, 1862. There is no evidence in the papers sufficient to justify the committee in finding either that the soldier is dead, or that, if dead, his death was caused by either disease contracted or wound received "in the service and in the line of duty." The records of the Adjutant-General's Bureau show him present during his term of service, except in the month of March, 1862, when he was under arrest.

Senate bill 2361 is reported adversely, with the recommendation that it be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 976.

IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2340.]

*The Committee on Pensions, to whom was referred Senate bill 2340, granting a pension to James Mallon, have carefully examined the same, and report:*

The claimant, James Mallon, enlisted in the Navy August 8, 1864, and was discharged May 8, 1867. His declaration for a pension was filed November 4, 1886, on the ground that "while going down the fire-room ladder he slipped and fell, but caught himself; the shock, however, produced a rupture on the right side." The claim was rejected August 13, 1887, because "the claimant states that he did not know there was anything the matter with him until after his discharge." The records of the Surgeon-General's Office show no treatment for the injury claimed.

The claimant, in his declaration, refers to Dr. Wallace, of Providence, who, a day or two after his discharge, treated him for the injury and fitted a truss on him, but, in a letter filed with the papers, dated November 8, 1886, addressed to a comrade, he states that he called upon the said Dr. Wallace to prove the fact, but that the doctor could not remember any of the circumstances affecting his right to a pension. This is all the evidence found in the papers submitted by the claimant; and, if a pension were allowed in this case, it would have to rest entirely upon the statement of the claimant; although he alleges that he was treated by a physician two days after the injury and had a truss fitted upon him, yet he is unable to recall to the recollection of that physician any of those facts. Another ground of objection to allowing this claim is that the application of the claimant was not filed until nineteen years after the incurrence of the injury.

Senate bill 2340 is reported adversely, with the recommendation that it be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 977.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1136.]

*The Committee on Pensions, to whom was referred the bill (S. 1136) granting a pension to Anna M. Freeman, have examined the same, and report as follows:*

The object of this bill is to grant a pension to Anna M. Freeman, the widow of Thompson P. Freeman, who enlisted on the 15th of August, 1862, as a private in Company F, One hundred and thirteenth Ohio Volunteers, and was honorably discharged on the 25th of April, 1864. Her claim is that her husband was severely wounded at the battle of Chickamauga in September, 1863, by a gunshot received in the right wrist, and that from a careless and unskillful treatment of this wound a chronic blood poisoning ensued, which finally resulted in the death of the soldier. A pension was long granted to the soldier for disability from this wound.

The widow's claim was rejected in the Pension Office upon the ground "that the soldier's death was not due to the wound for which he was pensioned." This decision was based upon the opinion of the last board of examining surgeons, who examined him on the 7th day of October, 1885, and expressed the opinion that his disease was "cancerous," and "not a result of blood poisoning." They express as the sole ground of this opinion that "his wrist is healed, and has not discharged for twenty years." And for this reason, it appears, the judgment of the board was sustained by the medical referee and by the Department.

The committee can not but think that there is more than a reasonable doubt of the correctness of this opinion, in view of all the evidence in the case. The soldier appears to have been before the enlistment a sound and healthy man. From the testimony of medical gentlemen, who attended upon him professionally, there does not appear to have been any taint in his blood from vicious habits.

It is clearly proved that for two years after his wound was received there was a discharge of matter from it; that even for a longer period it would occasionally break out again; that during all this time his general health was very bad; that as soon as the wrist wound healed up he began to have occasional vomitings and discharges of blood and puslike matter from the stomach; that these spells were always preceded by chills; that they continued for many years, till ulcers began to appear over his body, when they ceased; and that these ulcers gradually became more and more frequent, numerous, and weakening, till the

whole body became corrupted and death ensued. Three or four physicians, who attended upon him at different times, give it as their decided opinion that the case was one of chronic pyæmia, resulting from the long diseased condition of the wound in the wrist. It is in evidence that the soldier, from an early stage in his disease till his death, was of the belief that his unhappy condition was the result of his wound.

In view of this evidence, and of the further fact that the examining surgeons, in 1885, based their opinion upon the single consideration that the wound itself had not suppurated since two or three years after it was received, showing that they were probably ignorant of the subsequent history of the case, your committee think it would be against a preponderance of evidence to report unfavorably against this bill. They therefore do recommend its passage.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 978.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1152.]

*The Committee on Pensions, to whom was referred the bill (S. 1152) granting a pension to Myra Freeman, have examined the same, and report:*

An examination of the papers in the case developes the fact that the claimant has not yet exhausted her opportunities for securing relief under the general law, but that her claim is still pending in the Pension Office.

It is the systematic practice of the committee not to consider cases of this character until they have been prosecuted to a conclusion at the Pension Office and rejected, and the bill is accordingly reported back with a recommendation that it be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 979.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1009.]

*The Committee on Pensions, to whom was referred the bill (S. 1009) granting a pension to Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, U. S. Army, have examined the same, and report:*

The statement of the services of Colonel Alexander, appended hereto, made by General S. B. Buckner, sets forth the grounds on which this application for increase is based. The widow is now receiving a pension of $30 a month, and she asks that this be increased to $100.

Your committee deem this case as meritorious as others that have been allowed, and they accordingly recommend the passage of the bill, with the following amendment, however:

Strike out in lines 7 and 8 the words "one hundred" and substitute therefor the word "fifty."

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### COL. THOMAS LUDWELL ALEXANDER.

The announcement of the death of this accomplished gentleman and distinguished soldier has filled with sorrow a large circle of friends. His genial qualities, his exemplary life, his Christian virtues endeared him to all with whom he was associated, and left upon all with whom he came in contact the impress of his generous nature. But though he has departed from this life he has left behind him the rich legacy of an example worthy of our imitation and a character calculated to excite our emulation and to command our esteem. His career has been an eventful one. Born in Prince William County, Va., of an illustrious parentage, he ranked amongst his ancestors the distinguished statesman, Richard Henry Lee, who was his great grandfather, and emigrating to Kentucky at an early age, he entered the United States Military Academy in July, 1826. On graduating from that institution in 1830 he entered the Sixth Regiment of United States Infantry as brevet second lieutenant, and was successively promoted to the grades of second lieutenant, first lieutenant in 1837, and captain in 1838 in the same regiment, in which he continued to serve until promoted to the grade of major of the Eighth Infantry in 1853, and subsequently to the grade of lieutenant-colonel of the Fifth Infantry in 1861.

The earlier years of his military career were passed in what was then our extreme western frontier in Missouri and Iowa, and his military qualities soon attracted the attention of his superiors. After only two years of active service he was selected by Brigadier-General Atkinson as his aide-de-camp, and participated with that distinguished soldier in the battle of the "Bad Ax," August 2, 1832, against the Sac and Fox Indians, who were under the leadership of the celebrated chief Black Hawk, and after this decisive victory was selected by the commanding general to conduct the captive chief to Washington City.

After the conquest of these western Indian tribes and his promotion to the grade of captain, he was ordered with his regiment against the Seminole Indians in Florida, and actively participated in the arduous campaigns against that tribe during the years

1839–'40–'41, and '42. On the conclusion of the war, the difficult character of which can only be appreciated by those who have experienced like hardships and privations, he was selected to superintend the removal of the present Indian nation west of Arkansas of the Seminole chief, Tiger Tail, and his band, and was subsequently stationed in their midst at Fort Towson, to hold them in subjection. In this remote region, which was then so far beyond the limits of civilization, he remained until the outbreak of the war with Mexico and the concentration of the troops of the regular Army by General Scott for the first campaign against the City of Mexico. From the Lower Rio Grande he moved with his company, which was the color company of his regiment, to the rendezvous near Vera Cruz. The landing was effected by Worth's division on March 9, 1847.

This descent, which was made in the close view of an enemy superior in numbers, was no ordinary pageant. Three thousand veteran troops embarked in boats, each of which was manned by seamen and directed by an officer of the Navy, moved in a line parallel with the shore, and in perhaps less than three minutes from the landing of the first boat the entire line of three thousand men had formed upon the bank and were moving upon the heights beyond. Alexander's colors were the first displayed upon the beach, and it may be safely asserted that he was the first soldier of that veteran army whose feet touched this hostile shore.

In the siege of Vera Cruz which followed, and which terminated in its surrender on the 29th of March; in the battle of Cerro Gordo, on the 17th and 18th of April following; in the subsequent pursuit of the retreating enemy through Jalapa Perote and the city of Puebla; on the terrible day of Churubusco and the operations resulting in the final capture of the City of Mexico and the dispersion of the armies of Santa Ana, Captain Alexander bore an active and a distinguished part, in recognition of which he received the rank of brevet major August 20, 1847, "for gallant and meritorious conduct in the battles of Contreras and Churubusco."

That veteran army, which planted its victorious standards on the national palace of Mexico and won an empire for its country, contained many a knightly soldier, but it could boast of no truer gentleman or more chivalrous spirit than Thomas Ludwell Alexander.

At the close of the war with Mexico he was again assigned to duty on the frontier in Kansas and Minnesota, until selected to organize the military asylum at Harrodsburgh, Ky., in 1854, where he remained until appointed, in 1858, lieutenant-governor of the Soldiers' Home, near Washington City, in which position he continued until March 8, 1864.

The arduous duties of a military career, extending over a period of more than thirty years, and the deleterious influence of the varied climates to which he had been exposed seriously injured a constitution which was never robust. He was compelled, therefore, after so many years of devotion to his country, to avail himself of the privileges accorded by its laws, and on October 16, 1863, was "retired from active service for disability resulting from long and faithful service, and from sickness and exposure contracted in the line of duty."

The remaining years of his life were passed chiefly at his beautiful home near Louisville, Ky., cheered by the presence and the affection of the cherished partner of his life, the devotion of his children, the admiration and love of numerous friends, and the sincere regard and esteem of the community of which he was an ornament.

In the fullness of years, at the age of seventy-three, he sank peacefully to rest on the 11th of March, 1881, the laurel wreath of the chivalrous soldier encircling his honored brow, and the confiding trust of Christian hope cheering and inspiring his heart.

Among the numerous friends who lament the loss of this accomplished gentleman, none can more deeply grieve than the writer of this brief sketch of his military career. His subordinate for many years, and honored by his friendship, he early learned at the bivouac and around the camp fire to appreciate the noble qualities of his commander, which attracted the love and commanded the esteem of all who approached him. His imposing presence, his kindly, loving nature, his generous impulses, his true dignity of character, his stainless honor and integrity, his knightly and chivalrous bearing united to make "a combination and a form, indeed, which give the world assurance of a man."

S. B. B.

LOUISVILLE, *March* 14, 1881.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 980.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2513.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Charles N. Sedgwick, have examined the same, and report:*

This is a bill to pension Charles N. Sedgwick, "late of the United States Navy." It appears that Mr. Sedgwick became a midshipman in the Navy in 1862, and that some time in 1863, while on board the United States ship *Santee*, or the *Constitution*, he is not certain which, he was kicked by another cadet-midshipman, whom he and one of his associates was chafing. Mr. Sedgwick made some remark which a cadet named Downes L. Wilson resented and punished with a kick, which, claimant says, injured his testicles and caused subsequent rupture.

In the course of time claimant was dismissed the service, but was restored again and afterwards resigned or was discharged. In 1879 he applied for a pension. His application was rejected by the Pension Bureau, was appealed, and the rejection was sustained by the Secretary of the Interior, the rejection in both instances being based upon the ground that the injury was not referable to his service, not incurred in the line of duty. The committee do not regard this as a pensionable case. The injury, to whatever extent it exists, is the result of a quarrel between two young midshipmen more than twenty years ago, and we know of no precedent for extending relief by special legislation in cases of this kind.

The bill is reported adversely, with a recommendation that it be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 981.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2580.]

This bill proposes to increase the pension of Mrs. Mary E. Moore, widow of Capt. Henry E. Moore, deceased, to $50 per month, in lieu of the pension she is now receiving.

Captain Moore enlisted at Leavenworth, Kans., early in the war of the rebellion and did gallant service, receiving wounds in the service, and contracted diseases and disabilities, which finally ended his life.

Col. Powell Clayton, of Arkansas, late colonel of the Fifth Regiment of Kansas Cavalry, bears this testimony:

> He was one of the most honest and faithful officers I ever knew. * * * You need have no fears about the case being a meritorious one.

Mrs. Moore is now in receipt of a pension of $20 per month. The captain was a pensioner at the date of his death. The claimant is old and poor, and taking into consideration the gallant services rendered the country by her husband, the claim possesses considerable merit.

While your committee are disposed to be liberal in these matters, we think Mrs. Moore is already in receipt of a pretty liberal pension, and therefore recommend the indefinite postponement of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 982.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2610.]

The claimant under this bill is the widow of Minard J. Shaver, deceased. The soldier enlisted November 4, 1861, and served until March 31, 1862, as a member of Company C, Seventh Regiment (Black Horse) New York Volunteer Cavalry. He again enlisted January 4, 1864, and was discharged from the service of the United States August 24, 1864. On March 22, 1879, he made application for a pension, alleging in his declaration "that in the line of his duty at Wilderness, Va., on or about May 12, 1864, he received a gunshot wound on top of head." This claim was admitted by the Commissioner of Pensions, and he was granted a pension at the rate of $2 per month, commencing August 25, 1864. He subsequently made application for increase, which was rejected, and the soldier was in receipt of $2 per month only until the date of his death, which occurred October 9, 1882. The papers and the certificate of Dr. Gaston Boyd show that his death was the result of injuries received in a railroad accident, which occurred October 2, 1882.

On February 24, 1883, the claimant made application for widow's pension, which was rejected by the Commissioner of Pensions in May, 1883, because the soldier's death was not due to the service, he having been killed in a railway accident.

The marriage of the claimant to the soldier is properly established. Five children are now living, ranging in age from seven to sixteen years. The family is practically destitute. The military record of the soldier is good; he was always ready for duty. The railroad accident which resulted in his death was the result of a collision on the Atchison, Topeka and Santa Fé Railroad.

Your committee are of the opinion that the death of the soldier was not due to any disability contracted in the service of the United States, and therefore recommend that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 983.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2587.]

This bill proposes to increase the pension of Gottleib Spitzer, late of Company B, Fourteenth Regiment Connecticut Volunteers.

The claimant was originally pensioned April 3, 1884, for disease of eyes, as a result of prison life, and rated at $4 per month from June 6, 1865. His pension was subsequently increased May 13, 1884, to $50 per month from April 22, 1884, the amount he is now receiving. He made application for re-rating on disease of eyes, from discharge up to April 22, 1884, and to have a re-issue in his certificate to allow general debility as a result of prison life.

The claim was rejected on the ground "that the evidence filed did not warrant a higher rate of pension than one-half, $4, and that no manifest error was made in the original rating." The claimant appealed from this decision to the honorable the Secretary of the Interior, and under date of June 25, 1886, the Secretary affirmed the decision of the Commissioner of Pensions. In his opinion the Secretary says:

> The evidence of the case * * * tends strongly to show that appellant's pension was rated too low, from date of discharge up to April 22, 1884, and too high at and since that time. These ratings, however, are not indisputably or manifestly erroneous, and since, if they are erroneous, one error tends to counterbalance the other and taken together do the appellant no injustice, the Department is not disposed to interfere with either rating.

Dr. S. O. Richey, medical examiner of the Department, under special instructions from the medical referee, concludes his report, under date of April 22, 1884, by saying, "I should call him totally blind in effect," and rates him at total.

The board of examiners, Washington, D. C., under date of April 15, 1886, report him as entitled to total rating, first grade, for disease of eyes. This examination was also had under special instructions from the medical referee. It seems strange to your committee that the rating should be increased from $4 to $50 within a period of less than thirty days. If the last rating was proper, the first was manifestly an error, and injustice was done the claimant. If, however, he is totally blind, and requires, as he states, constant attendance, he is, under the law, entitled to a pension of $72 per month, and the Pension Commissioner should grant it on application.

Your committee, therefore, report the bill adversely, and move its indefinite postponement.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 984.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2263.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Frank Paschker, have examined the same, and report:*

This is a bill to place upon the pension roll the name of Frank Paschker, late a private in Company I, First Regiment New York Light Artillery.

In his letter of transmission the Commissioner of Pensions says:

The claim was rejected in November, 1886, after a special examination, because the deafness for which pension is claimed existed prior to and at his enlistment, as shown by reliable testimony.

The claimant, in his declaration filed July 3, 1883, states that he incurred deafness at Fairfax Court-House, Va., September 10, 1864, by being exposed to heavy cannonading all day.

Colonel Weidrich, who was his commanding officer, testifies that he was sound in body, had good hearing when he entered the service, and became very deaf afterwards; when total deafness occurred he is not able to state. His knowledge of the soldier is gained by his discovering—

That he became affected with deafness to such an extent that I could not assign him to duty in the battery, and consequently transferred him to the Quartermaster's Department.

The reputation of this witness is pronounced good in every respect.

There are a number of witnesses of good reputation who testify to his deafness since discharge and at the present time. Two examining boards of surgeons pronounce him totally deaf.

There have been three special examinations. Two of them are unproductive. They contain no information of value. A special examiner was sent to Buffalo to cross-examine Colonel Weidrich, who repeats the evidence contained in his first affidavit.

Philip Bachert was seen by the same examiner. He was in the same organization as Paschker. He knows the man was deaf, but he does not know whether he became so before or after enlistment.

Jacob Heit, same company, says he was deaf when he enlisted and never did any duty in the service. The claimant says he incurred deafness about the 10th of September, 1864, in Virginia, being exposed to heavy cannonading all day. The Adjutant-General's report says: "Return for September does not report him among the absent enlisted men." This does not agree with the story of Mr. Heit.

Christopher Smith is also a witness at this examination, and the examiner tries to induce him to testify to the prior deafness of claimant, but without success. On the average the special examiner's reports are weak productions.

Several of his countrymen, all residents of Spandau, testify to his birth, the time of his emigrating to Buffalo, N. Y., and to the absence of deafness while in his own country.

In the opinion of the committee the man was free from deafness when he enlisted. There is evidence of this and of the incurrence of his disability. It is admitted that he was very deaf before he was discharged, so much so that he was disqualified for field duty. To admit or insist that he was in this condition when he enlisted would be an insult to the recruiting officers, who are required on their honor to accept none but sound men. The service in which the man was enlisted was likely to produce deafness, and his statement is consistent. It does not matter when or where he became deaf, if the fact is established that he was not so before his service and became so during his connection with the Army.

He is now totally deaf, and can only communicate by signs and in writing.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 985.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2575.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Elizabeth Dettis, have examined the same, and report:*

The claimant is the widow of Jacob Dettis, late a private in Company E, Twenty-seventh Wisconsin Volunteers. Her husband made application in 1866, and was pensioned at the rate of $6 a month for chronic diarrhea, an allowance which, judging from his prolonged and disabling illness, was much too low. He died March 31, 1883, and his widow applied for pension the following May. Her claim was rejected, and, "feeling aggrieved by the decision of the Commissioner," she appealed to the Secretary of the Interior, who sustained the former decision.

The adverse ruling in both instances was based upon the testimony of the doctor who attended him, whose evidence gave pneumonia and bronchitis as the cause of death, but distinctly declared that they were referable to his original disability. The medical referee gave a different construction to the testimony of the attending physician, and, with fatal effect to the widow's claim, placed in the way the usual pathological obstruction.

The committee believe that the widow's claim is well substantiated by the testimony of the attending physician, which is given with full, candid, and explicit reference to the original disease, its wasting effects and final result. It is as follows:

Dr. C. B. Cody, Sheboygan Falls, Wis.:

I am a practicing physician and surgeon, residing at Sheboygan Falls, Wis., ever since the spring of 1873. I am fifty-five years old, and have continuously practiced my profession during the last seventeen years. I knew Jacob Dettis, late of Sheboygan Falls; attended him during his last illness; prescribed for him occasionally from the year 1873. The disease for which I treated him was chronic diarrhea, and after two or three years chronic bronchitis was added, and as the latter disease increased the former became a little less severe, although it was persistent and incurable, and kept him constantly in a state of general debility. On the 25th day of March, 1883, I was called to him and found him suffering from congestion of the lungs, and I continued to attend him until he died, March 31, 1883. While I called this illness acute pneumonia or congestion of the lungs, it was then and still is my belief that it was a direct result of the chronic bronchitis, from which he had suffered, and that affection a direct result of chronic diarrhea, which he contracted in the United States service, and had continuously until his death. The character of the lung congestion, partaking much of the nature of a dropsical effusion, favored this idea. It was, and is, my belief that his chronic diarrhea had affected his kidneys, and that chronic bronchial catarrh came on through disturbance of circulation and deficient elimination; and pulmonary congestion, which caused his death, was the last act in the pathological processes, be-

ginning with chronic diarrhea. During all the period of my acquaintance with him he was a debilitated, feeble man, with frequent attacks of diarrhea and other derangements of digestion with all their usual attendants and morbid conditions. He was thus rendered unsound in every part, which made it impossible for him to recover from any acute disease.

It is possible that this very full and explicit description of the case escaped the notice of the medical referee and the Secretary of the Interior. At all events, it is very clear to the committee that death was due to the soldier's service, and that the widow should be pensioned.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 986.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2609.]

Hiram H. Russell enlisted in Company E, Seventy-fifth Regiment, Ohio Volunteers, November 20, 1861, was promoted to sergeant of his company, and was discharged from the service of the United States August 28, 1862. He subsequently served as assistant surgeon of the One hundred and thirty-eighth Ohio Volunteers from June 11, 1864, to September 1, 1864, and from April 7, 1865, to June 12, 1865, he served as assistant surgeon of the One hundred and first Ohio Volunteers. It appears from the papers in the case that the claimant has made two applications for pension; in the first, filed March 30, 1872, he alleges that he was discharged on the ground that he had the chronic diarrhea, and that he was wounded by a gunshot wound about June 10, 1862. In his second declaration, filed May 14, 1877, he claims pension "for disease of bladder, from exposure in West Virginia, in March, 1862."

The Commissioner of Pensions, June 30, 1884, rejected the claim, after a thorough special examination, on the ground "that the disease of bladder for which pension is claimed existed prior to enlistment."

The certificate of disability on which the soldier was discharged is as follows:

> I certify that I have carefully examined the said Hiram H. Russell, of Capt. James D. Foster's company, and find him incapable of performing the duties of a soldier because of chronic inflammation of the bladder of two years' standing. I further declare my belief that said soldier will not again be able to resume his duties.
>
> S. LOVING, *Surgeon.*

Discharged this 28th day of August, 1862, at Columbus, Ohio.

A. B. DOD,
*Capt. Fifteenth United States Infantry, commanding the post.*

In support of his claim the claimant has produced the following testimony:

Dr. Charles L. Wilson, assistant surgeon, testifies to prior soundness. Claimant was a student in his office prior to enlistment, and affiant was his father's family physician.

Capt. J. D. Foster swears that claimant, in the spring of 1862, contracted disease of bladder, so as to disable him from duty for some time.

Dr. McFarland testifies to treating claimant since 1867 for disease of bladder.

The claimant (who by the way is a regular practicing physician) swears to treating himself until 1867.

Cyrus Russell testifies to claimant's returning home from the Army sick.

William G. Russell swears that in June, 1862, claimant was sent home on furlough to enable him to recover from cystitis, contracted by him while in the service; that he was treated by Dr. Day while at home, but failed to recover and was finally discharged.

Surgeon Charles L. Wilson swears that in West Virginia in 1862, early part, claimant, after severe exposure and marching, suffered from deranged digestive organs, and also had chronic inflammation of the bladder.

The examining surgeon at Centralia, Ill., rates him at one-fourth total, and the examining surgeon at Kansas City, Mo., under date of May 11, 1881, makes same rating. The Pension Office concluded to have the case specially examined, and Mr. A. Downing, special examiner, concludes his report as follows:

> From a careful consideration of the evidence on file, I am of the opinion that the claim is a meritorious one, the evidence of prior soundness being apparently good, if not conclusive.

John A. Carr, special examiner, expresses the opinion—

> That the testimony taken is favorable to the claimant, but is not sufficient to overcome the adverse record. In the present incomplete condition of the claim, and the absence of any *positive* testimony to show that claimant was free from alleged disease of bladder at time he enlisted, it is fair to presume the record is correct, and recommends further examination.

J. F. Vinal, special examiner, recommends further examination.

A. F. Roush, special examiner, is of the opinion that the claim is without merit, but advises, in all justice to the claimant, further examination.

Thomas F. Winthrop, special examiner, says the claim, in his opinion, is "without merit, the testimony fairly showing that claimant's disability is not due to the service, as alleged," and recommends further examination.

H. C. Laforce, special examiner, thinks the claim meritorious, and recommends further examination.

E. F. Johnson, special examiner, concludes his report by saying:

> I believe the claimant was sound prior to enlistment; that the disability specified was contracted in service and line of duty, and that when the evidence is completed the claim should be admitted.

Your committee incline to the belief that the claimant was a sound man at date of enlistment, and that he contracted the disability in the service and line of duty as alleged, and therefore recommend the passage of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 987.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2576.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Richard Hudson, have examined the same, and report:*

The claimant was a member of Company B, Third Wisconsin Cavalry; enlisted December 17, 1861; was discharged June 29, 1862, for disability. He claims pension for hernia incurred at Benton Barracks, Saint Louis, Mo., on guard duty at night while crossing a ravine, sustaining a severe fall.

Several witnesses testify to his prior soundness, to their personal intimacy with him, and having seen him in a nude state, whereby they would have known it if he had hernia before enlistment.

Thomas T. Smith testifies that he was a member of the same company; that at Benton Barracks, Saint Louis, Mo., about the month of April, 1862, said Hudson, while on guard duty, crossing a ravine, received a fall by which he was severely ruptured; that he went with him to Dr. Reynolds, the regimental surgeon, who, after partially stripping him, made an examination and declared that he had been severely ruptured and gave a certificate to that effect, and Hudson was then exempted from duty.

William Spikes, another comrade, testifies that Hudson was placed on guard duty at Benton Barracks to prevent soldiers from scaling the fence and deserting; that in attempting to prevent the escape of a soldier or soldiers in the night time he fell, and the fall produced rupture. He was taken off duty and remained off until discharged.

Dr. Reynolds, surgeon of the regiment, made two statements, which he says he can not reconcile. One was that he was ruptured in the service, and the other that his rupture existed before enlistment. He thinks he must have been mistaken as to one or the other; which, he can not determine. He found several hernias after they got in the field; soldiers had eluded examination by him previous to muster; that officers connived at keeping recruits from being examined when found "I was rejecting men for hernia." He was mistaken in one or the other of his statements as to this man.

In his testimony made to a special examiner his bias is strongly against the claimant. The doctor's reputation is good, but as to this matter his statements are so mixed as to be valueless for or against the claim.

The certificate of discharge is signed by A. L. David, captain, and Dr. Reynolds, surgeon. The first says he was unaware of claimant's disability at the time of his enlistment, but has since ascertained that he had a breach, and he has good reason to believe that it was of several years standing. Dr. Reynolds, in the same certificate, says:

He has inguinal hernia of several years duration; he was mustered into the service without having been examined.

It is not probable that soldiers "eluded" examination. It is admitting a very lax and reprehensible military system to assume that recruits could elude examination, or officers connive at keeping recruits from being examined. If the Government's resources were so limited that such expedients as are here admitted were resorted to for the purpose of replenishing our forces, it is a little late in the day to avoid the payment of a pension by using the statements of recruiting officers who certify to such disgraceful expedients.

There have been three special examinations in this case; one by an examiner named Van Buren, who magnifies whatever is to the disadvantage of the claimant, and whose report as to its chirography is almost unintelligible.

Russell Barnes, another special examiner, concludes his report, which is on the average quite favorable, with the comment that "the claim has merit."

There is in the file a review of the case by "Winans, examiner," approved by "S. R. Hersey, assistant chief western division," which, in the opinion of the committee, shows conclusively that the claim should have been admitted by the Pension Office. It is adopted as a part of this report, and is as follows:

Believing injustice has been done claimant in rejecting his claim above named, it is again submitted for admission. The record evidence on which said claim has been rejected is a copy of certificate of disability for discharge, signed by Capt. A. L. David and Surgeon B. O. Reynolds. In it the captain in his statement is vague and indefinite; admits he has rupture, and he has good reason to believe it is of several years standing, but does not furnish any of those "*good reasons*" for such belief. Surgeon Reynolds in said certificate says inguinal hernia of *several years' standing*. In an affidavit filed December 12, 1882, he states claimant incurred rupture *about April* 15, 1862, and was discharged for same. In a letter filed March 19, 1884, he states: "At this time I have no personal knowledge of claimant's condition when he enlisted. I can not reconcile the statement that he was ruptured about April 15, 1862, and the one in certificate of disability that it was of several years' standing. Must have been mistaken in one or the other statement."

Lieutenant Wagner, afterwards captain, states claimant was sound; also Comrades Thomas T. Smith and William Spink. After the first rejection of claim by Assistant Chief Green, of Western division, on certificate of disability for discharge, the evidence of Charles E. Lewis and James Johnson is furnished, all of whom state from personal knowledge that claimant was sound immediately prior to enlistment. Charles E. Lewis and James Johnson were specially examined, and Hon. Philetus Sawyer certifies all the witnesses are credible. Lieutenant Wagner testifies as to incurrence of injury, and states that the surgeon pronounced it rupture of groin. Comrade Thomas T. Smith states he went with claimant to Surgeon Reynolds, who examined claimant, and declared he had incurred a severe rupture of groin. Corporal Miller makes a similar statement. Comrade Spinks also testifies, from claimant's statement, as to incurrence of injury. Surgeon Reynolds testifies in affidavit filed December 12, 1882, that at Benton Barracks, Mo., about April 15, 1862, he incurred a rupture of right side, *and was discharged for same* in June, 1862. Claimant, who Hon. Philetus Sawyer states is a good and honorable man, swears positively he was not ruptured before he enlisted, and that he did incur it at Benton Barracks, Mo., about April 15, 1862.

It is a matter of fact that this man was drafted after his discharge, and that he was rejected in consequence of the rupture for which he was discharged.

The committee does not attempt to reconcile the contradictory evidence of Surgeon Reynolds, nor the conflicting views of the Pension Office examiners. There is positive testimony from parties whom the maker of this report knows to be men of the very best standing, showing that this man was sound when he enlisted, that he incurred his disability in the line of duty, and that his claim should have been admitted long ago.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 988.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2579.]

This bill proposes to pension Mrs. Maggie A. Weed, formerly Miss Maggie A. Egan, a volunteer nurse in the late war, at the rate of $12 per month.

Miss Egan was one of that noble band of women who left their homes and loved ones to minister to the sick and wounded soldiers of the Army of the Union. That she was faithful and untiring in the discharge of her voluntarily assumed duties, we append the following statements, the originals of which accompany the papers in the case:

PADUCAH, KY., *May* 31, 1864.

Miss M. A. Egan has very successfully performed the duties of nurse in the United States general hospital at Paducah for over a year and a half past, having been in the one under my care the major part of that time. She has been attentive and interested, faithful and untiring in her labors; and by her cheerfulness and kindness helped to lighten the load of weariness and suffering of many a poor soldier. I trust she will continue in well-doing, knowing that a life of kindness and disinterested efforts to lighten the miseries of the unfortunate brings with it a glorious reward.

H. HARD,
*Acting Assistant Surgeon, U. S. Army.*

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OFFICE JOE HOLT U. S. ARMY GENERAL HOSPITAL,
*Jeffersonville, Ind.*

Mrs. LIVERMORE,
*Secretary C. S. Com.:*

I would respectfully request that you send Miss M. A. Egan to report to this hospital as nurse, to assist in the linen-room. She was formerly at Paducah, Ky., and with Mrs. Hamilton and Mrs. Hight. As the services of another are needed, Mrs. H. desires that I ask for her.

Very respectfully,

H. P. STEARNS,
*Surgeon, U. S. V., in charge.*

Your committee feel that this case is a very meritorious one, and therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 989.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2538.]

This is a claim for restoration to the pension rolls. An examination of the papers in the case shows that the claimant enlisted August 2, 1861, as a private in Company I, Fifteenth Regiment Illinois Cavalry, and was discharged on the 22d day of November, 1865. On April 28, 1879, he made application for pension, alleging that—

In December, 1864, he contracted necrosis of tibia of both legs and partial paralysis of arms and legs from exposure in swamps during a three days' scout within the enemy's lines.

In a subsequent affidavit he also alleged partial deafness and blindness. The claim was established to the satisfaction of the Department, and he was allowed a pension at the rate of $2 per month, commencing November 23, 1865, and ending December 26, 1883, at which date he was dropped from the pension-rolls, the Commissioner claiming that "the disability had ceased."

On September 15, 1887, the claimant made application for restoration, alleging existence of the same disabilities for which he was originally pensioned. On January 23, 1888, the Commissioner of Pensions rejected the claim for restoration, on the ground that the claimant had not been disabled in a pensionable degree from the alleged malarial poisoning since December 26, 1883, when pension for said disability ended.

In support of his claim for restoration the claimant files the affidavits of three reputable physicians residing at Junction City, Kans.

Dr. F. Vogle swears, under date of September 1, 1887:

That he has made a careful examination of the claimant and finds him suffering from atony of the heart; he is losing his eyesight; has been compelled to wear glasses ever since he has known him; his hearing is badly affected; he is suffering from severe indigestion, and he has treated him since 1882 at various times for these complaints, and he believes they have been caused by malarial influences of long standing. He is entirely disabled for performing manual labor.

Dr. G. J. Pahet, M. D., swears:

That he finds the claimant suffering from atony of the heart, opacity of lens, thickening of membrana tympana, enlarged spleen, enlarged liver, also partial paralysis of sypincteran sphincter ani, and accumulation of fæces in rectum. I believe that most of his trouble has been caused by malarial influences, and he is disabled for any labor.

Dr. A. T. Hartshorne, M. D., swears:

That he has known the soldier for some years; was called to attend him August 30, 1887, and found him suffering from atony of the heart. Examined him again September 5, 1887; found he was fast losing his eyesight, having opacity of lens; is feeble and not at all able to work. Appears to be suffering from malarial influence contracted years ago from exposure to cold and wet.

The board of examining surgeons at Junction City, Kans., under date of January 4, 1888, state "that after a careful examination we do not think the applicant entitled to a rating on disabilities claimed," and make no rating.

Your committee are of the opinion that the claimant in his original application, having fully satisfied the Pension Bureau of his clear title to a pension, think the testimony of the medical gentlemen whose testimony is set forth above clearly shows the existence of the disability from December 26, 1883, to present time, and therefore recommend that the bill pass and the restoration of the claimant to the rolls.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 990.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2435.]

*The Committee on Pensions, to whom was referred a bill granting a pension to D. G. Scooten, have examined the same, and report:*

The claimant was a private in Company H, Fifty-ninth Regiment Illinois Infantry, and was also on detached service in Colonel Ellet's ram fleet on the Mississippi. It was in the latter service that he claims to have received injury to his back while carrying wood, and for this he asks a pension. The records show that he was in hospital for diarrhea, and his discharge says he was unfit for service on account of dysenteria, chronic diarrhea, and an ulcer on his leg. There is no record reference to the disability referred to in his application. The examining surgeon says he thinks his is a case of spinal irritation.

In his declaration he says he became disabled while on detached service with the ram fleet, carrying wood.

The letter of transmission says the case is still pending and awaits evidence of the origin of said injury to back in the service; but it has been briefed for rejection on the ground that there is no record evidence of alleged injury, and the claimant is unable to furnish evidence of origin.

The Adjutant-General's report shows that he first served in the Ninth Missouri Volunteers, subsequently the Fifty-ninth Illinois; that he was present for duty December 31, 1861; February 28, 1862, absent with sick leave; April 30, 1862, on detached service, and subsequently borne as on detached service in Colonel Ellet's ram fleet, from April 30, 1862, until discharged, October 8, 1862, at Cairo, Ill., for disability.

The man's record is good, and it is owing to his varied service and the imperfect reports that he can not furnish the evidence in the form required.

His neighbors and acquaintances testify that he was sound prior to service. Dr. Yarnold says he treated him for injury to his back when he returned from service and claimant told him it was on account of this injury that he was discharged. His certificate of discharge recites several complaints, but does not mention the injury to his back.

The detached duty to which he was assigned was with the ram fleet on the Mississippi, and consisted in carrying cord-wood on his back to fill a barge in order to protect the ram while passing the rebel batteries at Fort Pillow. He says he is unable to comply with the requirements of the office for the reason that he was on detached service; that James Bockner was the only one on said detached service of his company, and he learns that Bockner was killed in a skirmish in 1863; that

Colonel Ellet was wounded at Memphis and died at Cairo; that his son Charles, who was present when he was injured, has since died, and Colonel Ellet's brother, who succeeded him, was killed by accident.

The examining surgeon reports—

Injury to spine by carrying wood on the shoulder up a gangway plank and slipping. He complains of pain at or about the eighth dorsal vertebra, extending around to the breast, on sitting, standing, or stooping, or in any position if maintained for a short time; weakness of the back, and inability to perform any except light manual labor. Also pain in the night, obliging him to get up and walk about. I think his a case of spinal irritation caused by injury as above stated.

Inasmuch as prior soundness is satisfactorily proven, and the disability was identified by his attending physician immediately after discharge, and its continuance and present existence are shown by the certificate of the examining surgeon, and in view of the difficulty of procuring evidence in the cases of soldiers who have been placed on detached service, the committee are of the opinion that the relief for which the claimant appeals to Congress should be conceded.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 991.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2418.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Jarret Spencer, have examined the same, and report:*

This claimant was a member of Company H, Fifth Wisconsin Volunteers. The Adjutant-General's report shows that he was enrolled on the 13th day of August, 1862, and it appears from the record that he was continuously in service until he was mustered out with his company at Hall's Hill, Va., on the 20th of June, 1865. In his declaration he says that at Brandy Station, in the State of Virginia, on or about the 15th of February, 1864, he contracted rheumatism, resulting in paralysis, and that at the date of filing his application he suffers constantly from rheumatism, paralysis, and general debility, which disqualify him for any kind of manual labor; that he was never treated in any hospital.

The history of this man's service is remarkable. He was fifty years and seven months old when he enlisted, and he was in all the skirmishes and engagements in which his regiment participated, and which included the battles of Antietam, Marye's Heights, Chancellorsville, Rappahannock Station, Gettysburgh, the battles of the Wilderness, and around Richmond. He was never off duty, never in hospital, but the hard, continuous service at his advanced age affected him seriously, and since his discharge he has had a progressive disability. The certificate of the medical board which examined him in 1887 says: "He can feed and dress himself by taking time; can not perform manual labor; does not require constant aid and attendance, but requires watching when moving about, because he frequently falls, and when down can not rise without help." They rate him total for rheumatism and heart trouble, and total for paralysis.

He is now eighty years old. In the past year his disabilities have increased; he needs the constant care and attendance of another person, and should be so rated. A petition to Congress for his relief, and signed by nearly two hundred of his neighbors, says his wife, the mother of all his children, with whom he has lived for nearly fifty years, takes care of him, and should not be separated from him. Nevertheless, their poverty is so great that they will have to be separated by placing

him in a charitable institution unless Congress extends the relief which he has earned and which, if it is to be of any use to him, must speedily be conceded.

The claim is still pending in the Pension Office. It has not been rejected, but it is awaiting testimony which, in his disabled condition, it is impossible for him to furnish without protracting the time of its completion beyond the limit of his life.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 992.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2310.]

*The Committee on Pensions, to whom was referred the bill (S. 2310) granting a pension to Rozalia Junk, have examined the same, and report:*

From the report of the Adjutant-General it appears that John Junk, or Young, as the name was pronounced, the husband of the claimant, was drafted September 22, 1864. He was examined and held to service, sent to draft rendezvous, forwarded to Sixth Wisconsin Regiment, and delivered at City Point. He was mustered out with his detachment June 6, 1865, making eight months' service from the date of drafting to muster out. He died May 7, 1879, and his widow filed application for pension, claiming that his death was caused by an aggravated case of hernia incurred in the service. The claim was rejected on the ground that the claimant admitted her inability to furnish the proof required by the Pension Office, that his disability originated in the service.

Wyta Stramsky, for thirty years a resident of Kewaunee, Wis., testifies that he was acquainted with the soldier five years before he went into the Army. He was often in his employ; knows that he was a strong, healthy man. He says:

I was with him when he went into the Army, and accompanied him to Green Bay. I was at that time assistant United States marshal, and had John Junk in charge with many others; that when he was examined I stood close beside him. He was naked, and he was pronounced by the examining surgeon to be a sound man, and I know of my own knowledge if he had a rupture at that time I should have seen it. He was my personal friend, and I knew him intimately before the war and after his return. On his return I saw him as he came off the boat, in July, 1865, which was the time, as I now remember, he came home. I made inquiry about his health, and he told me he was all right except a rupture he received, as I now remember it, in the engagement at Richmond in crossing a ditch into which he fell. I know that after his return he was not able to do hard work. He always complained of his injury. I knew him intimately up to the time of his death, and I have no doubt that his injury caused his death. It was a matter of general repute at the time of his death, which was sudden, that it was caused by his rupture.

Wenzel Shimmel testifies to his intimate acquaintance with the soldier; they lived in the same town of Carlton, in Kewaunee County, and he knows he was sound before his service; that when he returned he had a rupture and wore a truss. He also heard him relate how the injury was received.

Joseph Kozel testified that he was a neighbor, fellow countryman, and comrade of Junk. They were drafted at the same time, examined by the same surgeon, and both pronounced sound. One was sent to the

Sixth, the other to the Eleventh Wisconsin Regiment. Knows that he came home with rupture; believes that he died in consequence of it.

Frank Harmacheck testifies that he knew him well before service; that he was sound; that he came home with a rupture of which he believes, and all the neighbors believe, he died. He died very suddenly. He was at his house an hour after he died. He did not see his rupture before. He saw it then, and his inwards protruded to such an extent that he could not live. The protrusion was as large as his two fists. The doctor who was sent for to attend him says he had been dead more than an hour when he arrived; that he made no examination.

The claimant says her husband was the only person in his regiment or company of his nationality; that he could not speak English, and consequently made no acquaintances; did not learn the names or living places of any of the soldiers with whom he was only for a short time associated. For this reason, and knowing that she could not obtain a pension under the general laws, she has appealed to Congress.

There appears to be no doubt as to the soundness of the man prior to his service, nor as to the incurrence of the disability, which was an aggravated and dangerous case of hernia, and finally proved fatal.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 993.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. QUAY, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1838.]

*The Committee on Pensions, to whom was referred the bill (S. 1838) granting a pension to Mrs. Mary Mott, have examined the same, and beg leave to submit the following report:*

Henry A. Mott enlisted as a sergeant in Company K, Fifty-second Regiment Pennsylvania Volunteers, October 2, 1861, was promoted to first lieutenant November 1, 1862, and discharged July 12, 1865.

He filed his application for a pension February 28, 1877, alleging congestive chills and results, but died July 18, 1878, of aphasia and unilateral hemiplegia, while the claim was pending.

Decedent's widow, the claimant, filed her application December 18, 1878, to complete the claim. It was rejected November 11, 1881, upon the ground that no pensionable disability from the alleged cause was shown by the medical and other testimony to have existed since the soldier's discharge.

Widow filed her declaration November 11, 1887, alleging that the soldier's death was a result of malarial fever, alleged to have been contracted at Morris Island, in the service and line of duty.

Her claim was rejected Novemoer 21, 1887, on the ground that the death-cause, disease of the brain, did not originate in the line of duty.

Upon appeal the decision of the Commissioner of Pensions was affirmed January 12, 1888, the Assistant Secretary of the Interior basing his conclusion solely upon the opinion of the medical referee, under date of November 14, 1887, to the effect that the causes of soldier's death (aphasia and unilateral hemiplegia) were not *sequelæ* of the malarial poisoning and congestive chills alleged as the basis of the claim.

The following facts are ascertained upon reference to the evidence on file:

William Frick and C. H. Wells depose that they were acquainted with claimant many years prior to his enlistment, and that he was a strong and healthy young man.

Capt. W. S. Chatham deposes that during the night of July 16, 1863, decedent, who was on picket duty on James Island, was taken very sick and had a congestive chill, and was placed in the care of the surgeon. Decedent next day suffered terribly and was deranged. He was sick several weeks. He was also very sick in June, 1864, at Morris Island, South Carolina.

General H. M. Hoyt, ex-governor of Pennsylvania, corroborated this statement.

John B. Crawford, surgeon Fifty-second Regiment Pennsylvania Volunteers, deposes that decedent came under his care, suffering from a congestive chill, July 17, 1863. He was in a critical condition, and at times delirious, with much apparent cerebral pressure. Upon his recovery his hair, eye-brows, and whiskers nearly all came out.

Dr. W. E. Allen deposes, April 7, 1877, over a year prior to decedent's death, that the latter was suffering with aphasia, associated with internal paralysis, which he believes to be—

> the result of a congestive chill experienced in July, 1863. Never suffered with same before, and has suffered with it continuously since—severe congestion and enlargement of the internal organs, particularly of the brain.

From other testimony on file it appears that decedent's health remained impaired after the war, until, in 1875, he became incapacitated for the performance of manual labor or occupying any position by which he could earn support, and finally became mentally deranged.

Your committee are of the opinion that decedent's death resulted from the congestive chills contracted while in the service and line of duty, and the bill is herewith reported, with the recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 994.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. QUAY, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1925.]

*The Committee on Pensions to whom was referred the bill (S. 1925) granting a pension to Alexander H. White, have examined the same, and report the following facts and conclusions:*

The claimant enlisted August 14, 1862, as a private in Company D, One hundred and forty-first Regiment New York Volunteers, and was honorably discharged June 9, 1865.

He filed his claim for a pension March 12, 1875, alleging that about October 28, 1863, at the battle of Wauhatchie, Tenn., he received a contused wound in the right groin or lower part of the abdomen. In an affidavit filed September 24, 1875, he alleges that the camp was attacked at midnight, and in the confusion, helping to hitch up the mules to the ambulance with which he was detailed, he was knocked down by the hub of the ambulance wheel striking him in the right groin.

The claim was rejected June 21, 1878, for the reason that "he was not disabled for the performance of manual labor by contusion of the abdomen."

Allen S. Tillinghast, late a private in Company E, One hundred and forty-first Regiment New York Volunteers, deposes (affidavit filed May 11, 1878) that he knew the claimant for some years prior to his enlistment, "and never knew him to be other than sound and active."

Charles H. Freeman, late a lieutenant of Company D, One hundred and forty-first Regiment New York Volunteers, in an affidavit filed September 24, 1875, deposes that claimant was injured in the manner and at the time set forth in his (claimant's) affidavit of September 24, 1875. Deponent "states the above facts from being present at the time and place stated."

The records of the Surgeon-General's office show that claimant was admitted to general field hospital, Bridgeport, Ala., November 1, 1863, from field, "with contusion of belly," and was transferred November 5, 1863; was admitted to No. 19, general hospital, Nashville, Tenn., November 7, 1863, "with contusion of abdomen;" furloughed November 26, 1863; re-admitted January 13–14, 1864, and was transferred March 10, 1864; was admitted to No. 11, general hospital, Nashville, Tenn., with varioloid, and was sent to Exchange Barracks August 27, 1864.

A number of parties make affidavit that they have boarded or worked with claimant at various times since the war, and that he suffered considerably from his wound, and was compelled to stop working at times.

Dr. C. J. Wiltbank deposes (affidavit filed September 24, 1875): That he attended claimant from about 1870—

for scrotal hernia, caused, no doubt, by a blow or injury of some kind on the lower part of the abdomen. * * * That during deponent's knowledge of the said Alexander H. White he, the said White, has had weakness of the right groin and lower part of the abdomen, affecting his right leg, caused, deponent believes, from injury.

Drs. Rich and Goodman, examining surgeons of the Bureau of Pensions, in a report dated April 21, 1875, set forth that—

In our opinion the said Alexander H. White is one-fourth degree ($2) incapacitated for obtaining his subsistence by manual labor from the cause above stated. Judging from his present condition, and from the evidence before us, it is our belief that the said disability did originate in the service in the line of duty.

In view of the facts presented, your committee beg to report the bill with the recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 995.

IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. QUAY, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1591.]

*The Committee on Pensions, to whom was referred the bill (S. 1591) granting an increase of pension to Madison M. Meredith, having examined the same, beg leave to submit the following report:*

Claimant was mustered in November 13, 1861, as first lieutenant of Company D, One hundred and third Pennsylvania Volunteer Infantry, commissioned as captain April 10, 1862, and honorably discharged for disability July 12, 1862.

He filed his declaration March 8, 1882, alleging that before Yorktown, Va., about March or April, 1862, he contracted chronic diarrhea and rheumatism and fistula.

He was granted a pension, to date from March 8, 1882, at $8.50 per month, with rank of first lieutenant, for chronic rheumatism.

Upon application of claimant his rating was corrected, and his pension increased to $10, as of the rank of captain. The claim for pension for fistula was rejected, the Pension Office deciding that claimant had not conclusively proven the existence of the disability since the war.

The papers on file in the Bureau of Pensions make the following exhibit:

First, that claimant was strong and healthy before his enlistment.

Second, that claimant contracted hemorrhoids or fistula while in the service and line of duty. The certificate of the regimental surgeon, upon which claimant was discharged July 12, 1862, was as follows: "I certify that I have carefully examined the above-mentioned officer, and find him suffering with chronic rheumatism and hemorrhoids, and that he is unable to perform the duties required of him, and has been since the 10th of May, 1862, and in my opinion ever will be."

Third, that claimant was still suffering from fistula May 6, 1885, when examined by the medical examining board. The board reports: "There is a blind internal fistula (internal opening 1 inch from anal margin) on right side, which applicant thinks resulted from diarrhea."

This board, as a result of this examination, rated claimant one-half of total for rheumatism and one-half of total for fistula.

Claimant was unable to conclusively prove the continuance of fistula from the date of the regimental surgeon's certificate (upon which claimant was discharged) until the medical board's examination, May 6, 1885, chiefly owing to the death of the physician who attended him after his discharge. But from all the evidence in the case your committee are of the opinion that the disability now existing is a continuation of that contracted in the spring of 1862, and that this bill simply gives the claimant the total pension to which he was entitled under the finding of the board of medical examiners, and under the evidence on file in the Bureau of Pensions. They therefore report the bill with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 996.

## IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. QUAY, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1926.]

*The Committee on Pensions, to whom was referred the bill (S. 1926) granting a pension to William Smith, have examined the same, and report the following facts and conclusion:*

William Smith enlisted as a private in Company H, Ninety third Pennsylvania Volunteers, January 1, 1864; discharged June 14, 1865, on surgeon's certificate of disability because of "amputation of left leg, upper third, for gunshot wound received at Fisher's Hill, Va., October 22, 1864." He was pensioned August 18, 1865, at $8 per month, on account of amputation of left leg. Said pension has been increased from time to time. Claimant now receives $30 per month.

From the papers on file in the Bureau of Pensions it is apparent that the claimant suffers intense neuralgic pain from the stump of his leg; that he is frequently compelled to discard his artificial limb, owing to severe suffering from its use; that his general health is very poor from general debility, and that he is unable to perform manual labor to any extent.

In addition to the loss of his left leg below the knee, he suffered, not long ago, a comminuted fracture of the thigh of the same leg by an accident.

Your committee recommend that the bill be amended by striking out the word "fifty" and inserting the word "fifty-five" in fifth line of the bill, and that it be passed as amended.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 997.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. QUAY, from the Committee on Public Buildings and Grounds, submitted the following

# REPORT:

[To accompany bill H. R. 1788.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1788) to provide for the erection of a public building at Lancaster, Pa., having considered the same, respectfully submit as their report the following report to the House of Representatives from the Committee on Public Buildings and Grounds (see Report 412):

Lancaster is located on the main line of the Pennsylvania Railroad, 68 miles west of Philadelphia, and is one of the oldest towns in the State. The county of Lancaster was organized in 1729, and in 1730 the town of Lancaster was made the seat of justice for the county. In 1742 a borough charter was granted it by the legislature of the State, and in 1818 it was incorporated a city. From 1799 to 1812 it was the capital of the State. Until 1824 it was quoted as the largest "inland town" in the United States, and the census of 1880 shows the county of Lancaster to be the foremost agricultural county in the Union. The county has a population of 150,000 people, who for enterprise and thrift are not excelled by those of any other county in the United States. Thirty thousand of this population are in the city of Lancaster, which, on account of the growing manufacturing industries, is rapidly increasing.

The proposed building is intended to accommodate the post-office, office of the United States commissioner, and the office of the collector of internal revenue for the ninth district of Pennsylvania, and such other United States offices as may be established. The rents paid by the Government for a post-office are $2,000 per year, and for the office of the collector of internal revenue $650. The net receipts of the post-office for the fiscal year ending June 30, 1887, were $19,007.43. Before the reduction of postage they exceeded $22,000. The amount paid out for money-orders during the last fiscal year was $90,870.37.

The internal revenue collected for the last fiscal year in the ninth collection district was $1,688,017.66. There are no vaults for the protection of the money, papers, and documents of both these important offices; safes alone have to be relied on for safety. Stamps are frequently on hand in the office of the collector of internal revenue to the value of $100,000. With reference to the present accommodations of the post-office building, the postmaster, Henry E. Slaymaker, says:

"The present capacity of the building is taxed to its utmost extent on account of this being the center of distribution for the whole county of Lancaster, the county having 170 post-offices, all of which receive their mail through this office.

"It will thus be seen that it will not be long before additional space will be required at a great additional cost to the Government unless this building is authorized."

There are six national banks in the city of Lancaster, and fifteen in the towns of the county, with an aggregate capital of over $4,000,000, as well as several individual banking houses, doing a large and profitable business. The business of all kinds carried on on an extensive scale make increased postal facilities an absolute necessity. The cotton interests alone are represented by six large mills, using 700,000 pounds of cotton per year, and giving employment to over 2,000 operatives.

Lancaster city and county have paid into the United States Treasury in internal-revenue taxes $500,000 per year since the revenue office was established in August,

1862, which in twenty-five years aggregated $12,500,000. The net receipts of the post-office for the years 1882, '83, '84, '85, '86, and '87 were $116,580. After paying these millions into the national Treasury, it is deemed but fair and right that the small sum asked for should be granted to aid and facilitate in their collection and safe-keeping.

These are a few of the many reasons that can be given by your committee in favor of the erection of a public building at Lancaster, Pa., and they recommend the passage of the accompanying bill (H. R. 1788).

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 998.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. QUAY, from the Committee on Public Buildings and Grounds, submitted the following

# REPORT:

[To accompany bill H. R. 4357.]

The Committee on Public Buildings and Grounds, to whom was referred House bill 4357, beg leave to submit as their report the following report (No. 411) submitted to the House of Representatives by the Committee on Public Buildings and Grounds:

Allentown is one of the most flourishing and growing manufacturing cities in the State of Pennsylvania, and is particularly noted for its fine and costly public buildings, handsome churches, colleges, and school-houses; its large and extensive hotels, banking houses, furnaces, foundries, machine-shops, rolling-mills, pipe-works, boiler works, barb-wire works, furniture factories, planing mills, tanneries, silk, thread, and woolen mills, shoe and cigar manufactories, breweries, and other innumerable industrial establishments.

It is the county seat of Lehigh County, and is located on the Lehigh River, 90 miles due west from the city of New York, and about 56 miles north of Philadelphia. Its railroad facilities are unequaled by any inland city of its size. Its population in 1870 was 13,884; in 1880, 18,063, and now it is estimated to be from 24,000 to 26,000. It has been of steady and substantial growth, and, in fact, it can not help going ahead as nothing fictitious has given it apparent prosperity. Her citizens, although prudent, have never been backward in encouraging whatever tends to her permanent prosperity, and her manufactured goods are sent all over the United States. Few larger cities present such attractions for the stranger who has an eye to business. Allentown is a center of wealth, which is gradually being developed and increased, as well as its population. Owing to its rapid growth and increase of population it is very difficult to obtain tenant houses, and 296 new buildings were erected during the year 1887.

The statistics of her post-office business during the years 1886 and 1887 give some idea of her growing importance. The gross postal receipts for the postal year ending June 30, 1886, were $20,930.57; the total expenses were $11,664.73, and the net income to the United States, $9,265.84. For the postal year ending June 30, 1887, the gross postal receipts were $23,397.54; the total expenses, $12,547.49; the net income to the United States, $10,850.05.

There were 3,434 money-orders issued during the fiscal year ending June 30, 1887, at the Allentown post-office, amounting to $42,146.96, and 1,520 postal orders, amounting to $2,643.85. There were 6,422 money-orders paid by this office during the same period, amounting to $45,166.32, and 3,548 postal notes, amounting to $7,184.84.

The amount of postage collected on second-class matter during the postal year ending June 30, 1887, amounted to $1,438.30, while the amount of local postage collected during the same period was $1,780.02. There were 1,648 registered letters and parcels mailed at this office during the year ending June 30, 1887.

It appears by the report of the Postmaster-General for 1885 that the United States paid $909.75 for rent, light, and fuel for the Allentown office for the same year. It now pays $1,300 per annum, under a lease dated April 1, 1885, and which expires on April 1, 1889. (See Postmaster-General's report for 1887, page 158.)

There is also a United States examining board located in Allentown, Pa.

The United States deputy collector of internal revenue for the Allentown subdivision of the first collection district of Pennsylvania has his office at Allentown, Pa.

This is an important branch of the public service, and yields the Government a large amount of revenue.

During the last ten years the United States has realized in its collections of internal-revenue taxes in this subdistrict nearly $1,000,000. The amount collected annually in this subdistrict exceeds the collections in the State of Alabama, Maine, Mississippi, Nevada, and Vermont.

A bill for the erection of a public building at Allentown, Pa., was introduced in the Forty-eighth Congress, again in the Forty-ninth Congress, and was favorably reported by the Committee on Public Buildings and Grounds, but too late to be considered by that Congress. The number of the report is 3604, and contains a statement relating to some of the leading industrial works in the city of Allentown, Pa., which your committee deems unnecessary to republish in this report.

Your committee, after careful consideration, and in view of the foregoing facts, respectfully recommend the passage of the accompanying bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 999.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1123.]

*The Committee on Pensions, to whom was referred the bill (S. 1123) granting a pension to Mrs. Susan Capps, have examined the same, and report:*

Powell's Battalion Missouri Mounted Volunteers was an organization raised under an act dated May 19, 1846, for the purpose of laying out a route to Oregon. Its operations were contemporary with the Mexican war, a fact, probably, which led the claimant under the bill, whose deceased husband was a member of that organization, to apply for a widow's Mexican war pension. This was properly rejected by the Pension Bureau on the ground that Powell's Battalion was not raised for the war with Mexico; did not serve in that country; was not *en route* to the seat of war with that country; was not engaged in any battle with its military forces, and that, therefore, service with such battalion failed to meet the requisite conditions for pension specified in the act of January 29, 1887.

There is no law granting pension in the case under consideration, and the committee report unfavorably, with a recommendation that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1000.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of Annie A. McDonald.]

*The Committee on Pensions, to whom was referred a petition of Annie A. McDonald for arrears of pension, have examined the same, and report:*

The petitioner states that she filed in the Pension Bureau on the 20th December, 1887, a claim for arrears of pension, on which, at the date of the petition, February 21, 1888, she had received no notice of action. The committee decline to consider cases which are pending before the Pension Bureau where, as in this case, there is no apparent neglect of, or injustice to, the claimant.

The committee, without prejudice to claimant, ask to be excused from further consideration of the petition.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1001.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of W. Thornton Parker.]

*The Committee on Pensions, to whom was referred a petition of Hospital Steward W. Thornton Parker, for a pension from January,* 1868, *have examined the same and report:*

The claim in this case is based on an injury received while on duty as hospital steward in sewing up the body of a soldier who died at Fort Columbus, causing blood poisoning, and from varicocele incurred on a march across the plains, both in the year 1867. The claim was made in 1884, and is still pending before the Pension Bureau. The misfortune about the case, as it is here presented, is, that the blood poisoning, which has evidence to support it, is disallowed by the medical board as a disability to a pensionable degree, while the varicocele, which is allowed a half rating, lacks competent testimony.

The committee report unfavorably upon the petition, and ask to be discharged from its further consideration.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1002.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition.]

*The Committee on Pensions, to whom was referred a petition of the Central Relief Committee of the Grand Army of the Republic of the city of Chicago, praying that an increase of pension be granted to Mrs. Frances M. Wilkinson, have examined the same, and report:*

The Central Relief Committee, Grand Army of the Republic of the city of Chicago, petition for an increase of pension to $50 per month to Mrs. Frances M. Wilkinson, widow of Lorenzo D. Wilkinson, late private Company A, One hundred and thirteenth Regiment Illinois Volunteers. This widow is now drawing a pension of $8 per month, the amount allowed by law.

No reason is assigned in the petition as basis for the action desired. But in the accompanying papers it is set forth that the soldier, at the time of his enlistment, was a lawyer, in the active and successful practice of his profession, and that the extraordinary sacrifice offered by him and entailed by his death upon his family, entitles his needy widow to the increase prayed for. The sentiment which suggests such arguments is a false one. The obligations of patriotism are duties of citizenship, and are not bounded or varied by professions or pursuits. There is nothing relative in patriotism. The humblest man who enters the ranks makes, in his degree, as great a patriotic sacrifice as the most exalted. Each offers his life; no man can offer more.

The bill is reported unfavorably, and the committee recommend that it be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1003.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of Mrs. A. P. Caraher.]

*The Committee on Pensions, to whom was referred a petition of Mrs. A. P. Caraher, praying for an increase of pension, have examined the same, and report:*

The husband of the petitioner served during the war of the rebellion from 1861, and after its close was transferred to the regular Army, in which he served from March, 1867, to the date of his death, in April, 1885. The petitioner now receives the pension due to his rank as captain of cavalry, and asks that it be increased to $40 per month.

The husband was a gallant officer during the war, and received wounds in action which the petitioner alleges were the remote cause of his death. These wounds were doubtless of a serious character, but the officer had so far recovered from their effects as to accept a first lieutenancy in the Forty-third Infantry, in March, 1867, and to be able to perform its duties until his transfer to the Eighth United States Cavalry in January, 1871. He remained on duty with this rank until March of 1873, when he was commissioned captain. His cavalry service of fourteen years was almost exclusively in the frontier States and Territories, and in active service, so far as your committee have been able to ascertain, with the exception of two months in hospital, a record showing him to have been possessed of at least ordinary vigor.

With a full appreciation of the commendable services of this officer, there is nothing in the record which so distinguishes it from the thousands of others of like gallantry as to justify Congress in signalizing it with a special pension to his widow.

The committee report unfavorably, and ask to be discharged from the further consideration of the petition.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1004.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of John T. White.]

*The Committee on Pensions, to whom was referred the petition for a pension of John T. White, have examined the same, and report:*

The claimant was a private in Company A, Eighth Regiment Maryland Infantry. His claim for pension, as appears by letter of the Commissioner of Pensions, under date of April 6, 1888, is yet pending in the Bureau. Without expressing any opinion upon the merits of the claim, we think that it is here prematurely and ought not to be the subject at this time of special legislation.

The committee recommend indefinite postponement of the petition, and ask to be discharged from the further consideration thereof.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1005.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2465.]

*The Committee on Pensions, to whom was referred the bill (S. 2465) granting a pension to Charles T. Caldwell, have examined the same, and report:*

The committee, on examination of the petition accompanying the bill, find that the case, on the face of it, is devoid of merit, an opinion which is superfluously confirmed by an examination of the record transmitted from the Pension Bureau.

The committee recommend that the bill be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1006.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2281.]

*The Committee on Pensions, to whom was referred the bill (S. 2281) granting an increase of pension to Mrs. E. S. Kelly, have examined the same, and report:*

The beneficiary under this bill is the widow of Capt. James R. Kelly, late of the Third Artillery, U. S. Army, who entered the service as private in 1854, and died therein in 1884, having earned his promotion by faithful and gallant service. Following his death his widow made application for pension, which was granted at $20 per month, with legal allowances for the minor children, of which the pensioner has been in receipt since application. The bill is for an increase to $50 per month.

The pension paid to the widow is that provided by law for the rank of her late husband. No suggestion appears in the record, nor is any made to the committee, why action should be taken in her case excepting it from all other widow pensioners similarly situated.

In the absence of such suggestion the committee are obliged to recommend that the bill be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1007.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2367.]

*The Committee on Pensions, to whom was referred the bill (S. 2367) for the relief of Austin Mandeville, have examined the same, and report:*

In this case the claimant is in receipt of $17 per month for gunshot wound of the right arm. An application for increase was rejected in March, 1887, because a medical examination showed that he was correctly rated for his disability, and another application made in December, 1887, is now pending.

Additional medical evidence, taken in the latter part of March, ultimo, instead of being filed at the Pension Bureau in support of the pending application, is filed with the committee, which, if considered, would involve the absurdity of a body of laymen deciding an intricate case of medical science and practice not yet submitted to the proper professional authorities. Aside from this, the case in its present aspect is recent, and without evidence of neglect or injustice on the part of the Pension Bureau.

The case must be returned there for further examination and decision, and the committee recommend that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1008.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2713.]

*The Committee on Pensions, to whom was referred a petition of Pierre Bottineau, guide and scout, praying for a pension, have examined the same and report:*

The memorial of a large number of the most eminent citizens of Minnesota represents that Pierre Bottineau, who for thirty years has been employed by the civil and military officers of the Government in hazardous enterprises, involving not merely the special knowledge and instinct of scout and guide, but the highest courage, and unbending rectitude, is now, in his old age, broken in health and poor.

The committee, appreciating the value of the services rendered, report by bill granting the pension prayed for, and recommend its passage.

The memorial follows, and is made a part of this report.

SAINT PAUL, MINN., *March*, 1879.

PETITION.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the undersigned citizens of the United States resident in the State of Minnesota respectfully represents that they have been for many years personally acquainted with Pierre Bottineau, an old and experienced guide and scout, and known that he has been long employed in that capacity by civil and military officers of the Government, and has rendered important services, at great risk to his own life from hostile Indians.

Your memorialists further respectfully represent that the said Pierre Bottineau is now advanced in years, and physically disabled from supporting himself by manual labor, and is withal reduced to poverty. There is appended hereto a list of some of the duties performed by said Bottineau, connected with the public service during a long series of years, which is made a part of this memorial and will serve to show that much of the prime of his life has been devoted to the Government, and that he has been a faithful, efficient, and intelligent public servant.

In view of which facts your memorialists humbly pray Congress to pass a special act for his benefit, granting him a pension of $50 a month for and during the time of his natural life.

And your memorialists will ever pray, etc.

Wm. R. Marshall, late colonel Seventh Regiment Minnesota Volunteers and ex-governor of Minnesota; Henry H. Sibley, late brevet major-general U. S. Volunteers; W. Pfeander, state treasurer, late colonel Second Minnesota Volunteers; N. W. Kittson, James Gilfillan, late colonel Eleventh Minnesota Volunteer Infantry, now chief justice supreme court of Minne-

sota; J. S. Pillsbury, governor of Minnesota; David Day, postmaster, Saint Paul; H. P. Van Cleave, adjutant-general of Minnesota; R. N. McLaren, late colonel Second Minnesota Cavalry Volunteers, brevet brigadier general of volunteers, now United States marshal; Geo. W. Moore, deputy collector customs, Saint Paul; D. A. Robertson, Henry M. Rice, ex-member Congress, Minnesota; C. C. Andrews, late colonel Third Minnesota and brigadier and brevet major-general U. S. Volunteers; Edmund Rice, Wm. Lockren, R. B. Langdon, F. Beebe, R. P. Russell, Eugene M. Wilson, ex-member Congress Third Congressional district Minnesota; Chas. E. Vandeburg, judge district court Hennepin County, Minn.; R. M. Babcock, ex-judge of probate Hennepin County, Minn.; N. R. Thompson, sheriff of Hennepin County, Minn.; Chas. A. Pillsbury, Rev. D. B. Knickerbocker, D. D., rector of Church of Gethsemane, Minneapolis; R. J. Baldwin, S. C. Gale, C. W. Nash, late captain and assistant quartermaster volunteers; L. Fletcher, Geo. K. Shaw, D. Blakely, L. R. Palmer, county commissioner; L. P. Plummer, late Sixth Minnesota Infantry; J. K. Sidle, president First National Bank, Minneapolis, Minn.; J. B. Gilfillan, L. L. Baxter, late colonel First Minnesota Heavy Artillery; Geo. A. Bracket, surveyor-general Second district, Minnesota; F. R. E. Comell, assistant justice supreme court; Henry O. Gorman, judge of probate, Ramsey County, Minn.; Wm. Crooks, late colonel Sixth Minnesota Infantry Volunteers.

LIST OF PRINCIPAL PUBLIC SERVICES PERFORMED BY PIERRE BOTTINEAU.

First. In 1857 he was employed as guide and interpreter to the commissioner to make a treaty with the Chippewa Indians, at Red Lake. Hon. Alex. Ramsey, Government Commissioner.

Second. In 1853 he was employed and acted as guide to Governor Stevens in surveying route to the Pacific.

Third. In 1854 and 1855 he acted as guide and interpreter to the command of Lieutenant Kearny or Carney, ordered to Mille Lac to apprehend the Chippewa murderers of lumbermen.

Fourth. In 1856 he was employed as guide to the command of Colonel Smith, U. S. Army, to Graham's Point, Sheyenne River, Devil's Lake, and Pembina, to select site for a military post at latter point.

Fifth. In 1858, as guide to Colonel White and another Army officer, appointed to examine points for military posts in Western Minnesota and Dakota Territory.

Sixth. In 1859 he was appointed by Gov. H. H. Sibley one of the commissioners to select Salt Spring lands.

Seventh. In 1860 he was guide to United States Commissioners Cullen and Bailey to make treaty at Grand Forks with Chippewas.

Eighth. In 1862, guide to Captain Fisk's overland expedition to Montana and Idaho.

Ninth. In 1863 he was chief guide to the important expedition against the hostile Sioux Indians, under the command of General H. H. Sibley.

Tenth. In the fall of the same year guide to United States Commissioner Alex. Ramsey, to make treaty with the Chippewas at Old Crossing.

Eleventh. In 1864 with Major Carlin, U. S. Army, to select site for military post at Fort Wadsworth, Dak.

Twelfth. In 1866 with General Terry, U. S. Army, to locate Fort Ransom; thence with Captain Wainwright's command to Fort Totten, Dak.

Thirteenth. In 1865 with Colonel Camden, Illinois Cavalry, to seat of Indian war on the Missouri.

Fourteenth. In 1867 with Major-General Hancock to inspect military posts in Dakota Territory.

Fifteenth. In 1868 with J. Gregory Smith, of Red River, and with General W. R. Marshall, Phil. Holmes, and Major Bracket, to explore route for Northern Pacific Railroad.

Sixteenth. In 1870 with special agent for the Government, R. T. Crowell, to Pembina and other points.

Seventeenth. With Government Agents R. F. Crowell and H. S. Neal, to White Earth, Minn., and Pembina and Saint Joseph, Dak.

Eighteenth. In 1872 with W. R. Marshall to Pembina and Manitoba, and many other minor services not above enumerated.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1009.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

MR. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2239.]

*The Committee on Pensions, to whom was referred the bill (S. 2239) for the relief of Sarah E. McCaleb, have examined the same, and report:*

At the battle of Fort Donelson, Tenn., in February, 1862, Hubert A. McCaleb, then of the Eleventh Regiment Illinois Volunteers, received three gunshot wounds—one through the foot, one in the thigh, and one on the top of the head, 1 inch back from the forehead. This last wound, which did not fracture the skull, but produced concussion of the brain and left a permanent depression, was a source of pain, and in the opinion of soldier, and of physicians and acquaintances, predisposed him to mental unsoundness, which at times verged on insanity, and afflicted him from his discharge to his death. In one of his fits of melancholy he ended his life by suicide.

A bill for the benefit of the widow, identical with that under consideration, was introduced into the House during the first session of the Forty-ninth Congress, and was favorably reported on by the Pension Committee, but failed for lack of time to secure passage.

Casting into the widow's side of the scale whatever doubt there may be as to the influence of the wound in the head upon the mental status of the soldier, your committee now report the bill favorably, and, with an amendment correcting the name of the soldier, recommend its passage.

Amend by striking out in the sixth line of the bill the name "Hebert," and inserting "Hubert."

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1010.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 915.]

*The Committee on Pensions, to whom was referred the bill (S. 915) granting a pension to Susan Edson, have examined the same, and report:*

The committee report favorably upon the bill under consideration, granting a pension to Susan Edson, a volunteer nurse in the late war of the rebellion, and recommend its passage, with an amendment reducing the rate from $72 to $25 per month.

Amend by striking out in the 6th line of the bill the words "seventy-two," and inserting "twenty-five."

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1011.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1988.]

*The Committee on Pensions, to whom was referred the bill (S. 1988) granting a pension to H. R. Blackiston, have carefully examined the papers in the case, and report:*

The claimant enlisted as quartermaster January 9, 1847, and was discharged April 26, 1848. He was assigned to the steamers *Petrita* and the *Mississippi*. He applied for a pension as a survivor of the Mexican war, under the act of January 29, 1887. He filed his declaration March 4, 1887. A pension was granted him March 9, 1887. His age is seventy-one years and eleven months.

The bill introduced for his relief proposes to put him upon the pension roll at the rate of $72 per month. The evidence filed since the granting of his pension shows that he is at this time totally disabled by blindness. The certificate under oath of Dr. W. W. Keene alleges:

> I have not the slightest doubt that his present disabilities are in most part the direct result of his hardships and exposure during his active service in the U. S. Navy.

This opinion of the physician is based upon his hospital record, which he has examined.

The provisions of the act of January 29, 1887, makes no distinction by reason of the character of the disability incurred in the service in the Mexican war, but grants to all soldiers who are now disabled, or over sixty-two years of age, a pension of $8 per month.

The claimant further alleges in a letter that he was a veteran volunteer of three wars, "Florida, Mexico, and the late rebellion," and further alleges:

> My present physical condition has been brought about principally, if not entirely, by active service and exposure in the Mexican war.

There is no proof in the papers except this allegation of the claimant that he served in any war except that with Mexico. If he served in the war of the rebellion and can trace his blindness to "injury received or disease contracted in the service and in the line of duty," he would be entitled to a pension as asked in the bill, but under the rule adopted by the committee his application should first be made to the Pension Bureau.

The only question presented by this record is, shall the committee, where the proof shows total blindness resulting from service in the Mexican war, give to the claimant a pension equal to that provided by law

for total blindness caused by injury received or disease contracted in the late rebellion.

Two cases of this character, namely, of total blindness as the result of services in the Mexican war, have been passed upon by this committee during this session—that of Martin N. Kellogg and that of Titus Wilder. In the present case, as in those, your committee perceive no reason why such an appalling affliction should not entitle the claimant to the same measure of gratitude, no matter in what war incurred, and they therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1012.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 4104.]

*The Committee on Pensions, to whom was referred the bill (H. R. 4104) granting a pension to Mahala Dexter, have examined the same, and report:*

Your committee submit this case on the following report of the House committee, which sufficiently exhibits the facts, and recommend that the bill do pass:

The House Committee on Invalid Pensions of the Forty-ninth Congress reported this claim favorably, but it was not reached on the calendar. The facts are that claimant is the mother of Henry H. Dexter, a private in Company M, Second Massachusetts Cavalry, who enlisted March 7, 1863, and was killed in battle near Drainesville, Va., February 23, 1864. Claim was rejected on ground of non-dependence; that soldier did not render any assistance after 1860.

Soldier worked for his father on his farm in Barton, Vt., until 1860, when he went to California, and it does not appear that he made any substantial contributions to the family after that time. It is shown, however, that the parents are now in very feeble health and destitute circumstances. At the time of soldier's death they had a little property of something like $2,000 value, upon which there was a mortgage of $1,200. Claimant's husband has been at no time since 1864 able to perform any but light labor, being troubled with hernia of long standing and with an affection of the wrist.

The Saint Johnsbury board of examining surgeons report him in 1882 as "a broken-down old man, and unfit from his age and infirmities to perform manual labor." He is now eighty-five years of age, and the claimant is also very advanced in years.

Your committee think that this aged and needy couple, whose son was killed in battle, are deserving of the bounty of the Government, and therefore report the bill back with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1013.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 428.]

*The Committee on Pensions, to whom was referred the bill (H. R. 428) granting a pension to William B. Johnson, have examined the same, and report:*

Your committee have examined the evidence in this case set forth in the report of the House committee hereto appended, and recommend the passage of the bill.

## HOUSE REPORT.

The claimant in this case enlisted February 2, 1864, in Company D, Twenty-ninth Iowa Infantry, and was discharged July 12, 1865. In his application for a pension he alleges that in South Carolina, in February, 1865, he contracted cold, resulting in lung disease and lameness of left leg, from exposure while on Sherman's march to the sea. The claim was rejected in the Pension Office on the ground that there was no record of the disability and his failure to furnish satisfactory testimony. The records of the company show that he was sick and sent to Alexandria, Va., May 20, but the nature of the sickness is not stated. The hospital records of the organization are not on file in the War Department. Capt. W. T. Matthews, commanding the company, testifies that claimant left the company from sickness at Goldsborough, N. C., to return to the company at Alexandria, Va.

"I was also acquainted with him before he entered the service, and knew him to be a sound man at that time."

In an office letter subsequently filed Matthews says:

"Said soldier contracted disease about February or March, 1865, while on the march from Savannah, Ga., to Raleigh, N. C. It seemed to be an affection of the throat and lungs. His health was poor up to the time of his discharge, and he had bad health for ten years after he came home. Since that time I have not been personally acquainted with him."

The postmaster at Osceola, Iowa, speaks in the highest terms of Captain Matthews's reputation for truth and veracity. Henry V. Griffin, a member of the same company, testifies that claimant, while aiding and assisting division train in passing Salkehatchie Swamp, in South Carolina, caught cold, which settled on his lungs, and caused bronchial and lung affection.

"I have known claimant since his discharge and know that he has spent much for medicine."

Samuel A. Stacy testifies that he was well acquainted with claimant from 1865 to 1878, seeing him at least once each week during that time; that he suffered almost continually from disease of the lungs.

Dr. B. T. Raiff testifies to treating him upon his return from the service for phthisis pulmonalis, and that he is still affected with the same disease; he also adds that he knew him before enlisting and he was a healthy boy.

Dr. J. W. Holland testifies to treating him from 1877 to 1881, and says:

"During the time I knew him he was suffering with cough and expectoration and pain in lungs; he was easily exhausted and short-winded."

W. B. Talmond, J. W. Clinker, Lafayette Rockley, and others testify to intimate acquaintance with claimant, and that he had continually suffered from disease of the lungs. The examining surgeon at Omaha, Nebr., certifies that he examined him September 27, 1881, and says:

"I find a great degree of inflammation of the bronchial tubes; the degree of disability above entitling him to a half pension."

While the evidence submitted in this case does not fully comply with the regulations of the Pension Office, your committee are satisfied that the claimant contracted the disability in the service; that it has existed ever since; and therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1014.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2314.]

*The Committee on Pensions, to whom was referred the bill (S. 2314) granting a pension to John B. Covert, have examined the same, and report:*

The claimant under the bill, late of Company B, One hundred and forty-seventh Pennsylvania Volunteer Infantry, filed a declaration for pension on account of rheumatism contracted in service, which was rejected on the ground that the evidence adduced fails to show that the alleged disease originated in the service or existed at date of discharge.

The records in the case show that ten witnesses, comprising doctors, relatives, neighbors, and acquaintances, testify to claimant's soundness before enlistment; that claimant and two comrades testify to rheumatism in service and treatment therefor; that while the hospital records do not show treatment for the specific disease alleged, they do show repeated attacks of sickness, and in one case specify inflammation of the knee joint; that the claimant returned from service complaining of his disease, and that within ten days thereafter he was compelled to take his bed, and was treated for rheumatism, and that six witnesses, including physicians, furnish testimony which amounts to continuous disability since discharge.

While there is lacking in the case evidence of the highest class, there appears to be enough to warrant the conclusion that there is merit in the claim, and that the bill should be reported favorably and with a recommendation that it do pass, which is hereby done.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1015.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2366.]

*The Committee on Pensions, to whom was referred the bill (S. 2366) granting a pension to Mrs. Emeline Anderson, have examined the same, and report:*

The husband of claimant under the bill was late a private in Company K, First Regiment Minnesota Cavalry, which was organized for and employed in the campaign against the Sioux Indians in 1862–'63, and while in such service contracted asthma and heart disease, under circumstances which are detailed in the affidavit of John Emerson, a comrade, as follows:

I was well acquainted with said Jeff. Anderson previous to enlistment, and enlisted at the same time, about November 1, 1862, and occupied the same quarters with him at Saint Peter and Kasota, Minn., until the following spring, and was with him on Samuel Sibley's Indian expedition in the summer of 1863, and was discharged with him at Fort Snelling, Minn., November 28, 1863, and afterwards been living in the same settlement until he died, September 27, 1879. I further testify, from personal knowledge, that said Anderson contracted a severe cold in the fall after enlistment at Saint Peter, Minn., on account of being obliged to do duty, exposed to the severe cold weather without sufficient blankets and clothing. That said Anderson and myself enlisted with the expectation to receive Government clothing when we arrived at Saint Peter, but got only one blanket for each man, and received no clothing till towards spring, and we were obliged to live in a very cold building, and perform duty in very cold weather, without sufficient clothes to wear or sleep under to keep off the cold. That said Anderson was taken with a very severe cold, which resulted in asthma, and afterwards his heart became affected, and I remember he was doctored for these diseases while we were in the Army. I knew said Anderson well after discharge, and know the asthma troubled him more and more every year, so that the last ten or twelve years he lived he was unable to perform any labor of any kind whatsoever, and he was never free from heart trouble after discharge until he died, to my personal knowledge. I was not present when he died, but learned he died very suddenly. I further testify that Anderson was a very temperate man during all the time I knew him.

Dr. Rhodes, assistant surgeon of soldier's regiment, who, after death of surgeon in July, 1863, had charge of all the sick, testifies:

I remember claimant was a Scandinavian, and was troubled with asthma and heart disturbance, the latter apparently functional at that time. He often reported at sick call for treatment, and my memory of his case was distinct, as there was unusual congestive action about his lungs and heart in what appeared to be a recent case. After treating him for some weeks, without much improvement in his general symptoms, we were separated by order and I saw him no more.

Dr. Foster, a practicing physician of thirty years, knew soldier before enlistment, and knew him as a stout, hearty man. He treated him immediately after his discharge in 1863 and in the following year for asthma, which resulted in heart disease, and with which he was badly

afflicted, and this, in deponent's opinion, was the direct cause of his death.

Knute Johnson lived near soldier before enlistment and after discharge; knew him to be a strong, healthy man before, and that he suffered with asthma after discharge in 1863 to death in 1879; knows that he was treated for asthma by Drs. Winch and Story, both dead. Understood him to have died of heart trouble brought on by asthma.

No more specific or official testimony was furnished by claimant, either of sickness in service or immediate cause of death, because the Adjutant-General's Office reports "regimental hospital records not on file" covering service, and the sparsely settled district of Minnesota, in which soldier died rendered the attendance of a physician during last illness, and a coroner's inquest after death impracticable. But, lacking evidence of the highest grade, the available testimony is direct, plain, and conclusive, and justifies the committee in a favorable report.

The bill is recommended for passage.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1016.

IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS. from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2313.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Ellen J. Snedaker, have examined the same, and report:*

The bill under consideration is the outcome of circumstances which, briefly told, are these:

At the outbreak of the late rebellion the family of Adrastus Snedaker was a prosperous one at Clyde, N. Y., and consisted of the parents and two sons. In the spring of 1861 the elder son enlisted in the Twenty-seventh Regiment New York Volunteers; was wounded at Spring Mills, and discharged at the end of two years' service; re-enlisted in December of 1863, in the One hundred and eleventh Regiment New York Volunteers, and was mustered in as second lieutenant, taking with him in his second enlistment his younger brother. The two sons participated in the battles of the Wilderness, and in May, 1864, the elder was killed on the field, and the younger taken prisoner and confined at Andersonville, where he died in the following July.

After the war the father made pilgrimages to the field and the prison cemetery, and recovering the bodies of his sons laid them away in the home burying ground. Since then the fortunes of the family have decayed; the father has become an invalid with partial loss of mind, and the mother, now reaching seventy, finds herself the head of the household, with title to a small home so heavily mortgaged that she can not pay the interest, and keeping boarders to save her broken husband and herself from becoming a public charge. The application of the mother for a pension has been pending four years, waiting proof of her dependence on her sons at the date of their enlistment. The family was forehanded at that time, the sons had been supported rather than supporting, and the proof required by the Pension Bureau can never be supplied. In due course the claim must, in the practice of the Bureau, be rejected.

Under these circumstances the committee submit whether, and without further delay, the country should not requite these bereaved and unfortunate parents for their sacrifices and sorrows. To this end, and without further comment on the facts, the committee report favorably upon the bill, and recommend its passage.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1017.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1540.]

*The Committee on Pensions, to whom was referred the bill (S. 1540) granting a pension to Hannah Babb Hutchins, have examined the same, and report:*

A bill of like tenor was favorably reported on by this committee at the first session of the Forty-ninth Congress, granting the claimant a pension for services rendered and disabilities resulting from her labors as nurse during the late war. Adopting the views expressed in such report, the committee report the bill favorably, and recommend its passage.

[Report Forty-ninth Congress, first session.]

The evidence and attendant circumstances of this case are set forth in the following report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1058) made during the present session:

Mrs. Babb makes the following presentment of her case in petition addressed to Congress:

"The undersigned, Hannah B. Hutchins, a resident of Freeport, in the State of Maine, respectfully represents: That at the time of the breaking out of the civil war she had recently lost her husband and four children; that her name was then Hannah Babb; that in response to the advertisement of the Government for nurses she offered her services in the capacity of a nurse, and on the 1st day of June, 1862, received a dispatch to report immediately at Washington, and that she did so at once; that upon arriving there she signed enlistment papers as a nurse, and mustered into the United States service as a nurse; that she served in that capacity three years and three months in the hospitals in and about Washington, and received pay at the rate of $12 per month and one ration; that *she used the money received for pay largely for the purpose of procuring necessary delicacies for the sick and wounded soldiers;* that on the 1st day of January, 1865, while engaged in said service at the Harewood Hospital, in Washington, in passing from ward 12 to ward 10, she slipped on the outside steps and fractured her ribs and injured herself otherwise severely; that she was confined to her quarters for a month, and after partially recovering again commenced services as a nurse; that on the 31st day of July, 1865, she was discharged at that hospital; that she returned to Maine, and subsequently married Solomon S. Hutchins, who died in 1880, leaving her a widow with no means of support; that her injury aforesaid affected her so that she was unable to labor and was obliged to be a patient for some eight months in the Maine General Hospital, whereby she got partially relieved, but has never been able to perform any manual labor; that she is 76 years of age and entirely without means of support; that she believes she is justly entitled to aid from the nation precisely as if she had been a soldier and been incapacitated from labor by injury received in the line of duty, but that she is informed that there is no law of the nation under which she would be entitled to a pension, as the laws for those purposes do not include nurses. She therefore prays that she may be granted a pension."

In connection with this petition is the following certificate by Josiah H. Drummond, dated December 27, 1885:

"I hereby certify that I have known the above-named Mrs. Hutchins for nearly twenty years; that I have personal knowledge that the statements in the foregoing petition as to matters happening during that time are all true; also that she is very poor, and has had to depend upon charity for support, although, being an excellent nurse, she could support herself but for her disability. The State of Maine, upon a hearing of her case, granted her a pension for two years from January 1, 1885. She has no relations able to assist in her support, *and she must have aid from the public, and must go to the poor-house unless she has it in some other way.*

The efficient and faithful character of Mrs. Babb's services in the hospitals are attested by Mrs. H. A. B. Corts, M. Hoard, Elvina Bliss Sheldon, Harriet P. Dame, and Caroline A. Burghardt, M. D., members of the Army Nurse Association, all of whom speak from personal knowledge of her services. Twenty-five members of the Soldiers' Aid Society and other citizens of Chelsea, Mass., testify to her fidelity as an army nurse. They say:

"We knew her before the war as a worthy woman; and during the war some of us were in constant correspondence with her, forwarded her supplies from the above-named [Soldiers' Aid Society] and from individuals. Her services and sacrifices seem to entitle her to recognition by the Government, and we earnestly commend her to the favor of Congress."

Dr. Albion Cobb, of Webb's Mills, Me., who was on duty at the Harewood Hospital, writes that she was one of the best nurses there; that he remembers of her sick in the nurses' quarters, but has forgotten the cause of it.

Dr. David Dana Spear, of Freeport, Me., certifies under date January 14, 1886, that she has been his patient since 1880, treated for chronic diarrhea, and has known of her being treated for this and other troubles at the Maine General Hospital.

Dr. Charles O. Hunt, resident physician and superintendent of said hospital, certifies.

"Mrs. Hannah B. Hutchins has been under treatment at this hospital since April 23, 1883, for cystocele, for which she has been obliged to have a surgical operation performed. She claims that the trouble was originated by a fall received while in the employ of the Government as a nurse in one of the Army hospitals during the late war. I have no doubt that she has suffered much from this disease in the past, and that it has proved a real hinderance to her gaining a livelihood by her labor, and if there is any way by which such cases could be pensioned and her claims as above are substantiated, I think she richly deserves to be remembered by the Government she has served so well, now that age and infirmity render her unable to support herself."

James M. Bates, M. D., formerly surgeon of the Thirteenth Maine Regiment, makes a certificate, which Dr. Spear indorses:

"I have known Mrs. Hannah Babb, now Mrs. Hutchins, for several years past, and at one time attended her professionally for an extensive humor in her hands, wrists, and arms, which she supposed to be the result of blood poisoning, which she received while performing the duties of hospital nurse during the late civil war. She also complained, and does now, of pain and lameness in the region of the spine, between the shoulders, which she believes to be the result of slipping and falling on some door-steps at Harewood Hospital, while performing the duties of nurse. I know of no other cause for the disabilities named above, and consider Mrs. Hutchins a perfectly reliable woman, and any statement which she may make entitled to credit."

The evidence seems to disclose a meritorious case, which entitles Mrs. Hutchins to the same consideration accorded others of her class. The committee accordingly recommend the passage of the bill.

This bill passed the House at $12, having been reduced to that amount by the committee, mainly on the ground, as your committee are advised, that this lady was paid at the time for her services. The evidence before your committee shows that what little money she did receive was used for the purpose of purchasing necessary delicacies for the sick and wounded soldiers and food for herself; so that in no real sense did she receive compensation. She is now old, in poverty, and helpless, suffering by reason of disabilities incurred in her service. The evidence shows that $12 per month will not be enough to relieve her necessities, and there appears to be no valid reason why she should not receive the same amount which in several other cases has been granted to other nurses. Her appeal that her services and sufferings be thus recognized is strongly urged by the Army Nurses' Association.

In view of all these facts your committee report back the bill with a recommendation that it do pass, with the following amendment: Strike out the word "twelve" in line 6 and insert in lieu thereof the words "twenty-five."

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1018.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2246.]

*The Committee on Pensions, to whom was referred the bill (S. 2246) granting a pension to John C. Abbott, have examined the same, and report:*

The claimant was late a private of Company B, Second Illinois Artillery, served three years, and in 1879 filed an application for pension, alleging hernia, fever sore of arm, and disease of lungs, which was rejected.

The committee are satisfied, from an examination of the testimony, that hernia of the right side, a broken nose, and lung disease were either all incurred in service, or are fairly traceable thereto, and that they affect the claimant to a pensionable degree; and they therefore report favorably upon the bill, and recommend its passage.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1019.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, submitted the following

## REPORT:

[To accompany bill S. 326.]

*The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 326) for the relief of Clement A. Lounsberry, having had the same under consideration, beg leave to report as follows:*

The bill proposes to pay claimant as late postmaster at Bismarck, Dak., out of any moneys in the Treasury not otherwise appropriated, the sum of $1,214.51, that being the amount alleged to have been expended by him in the payment of clerks necessarily employed in said office from April 1, 1881, to June 30, 1882, and for rent, fuel, light, and other expenses from July 1, 1883, to September 30, 1885, which amount was disallowed in the settlement of his accounts as such postmaster.

A bill for the relief of claimant was introduced at the second session of the Forty-eighth Congress. That bill, however, simply proposed to pay claimant the sum of $750, that being the amount expended by him in the payment of clerks necessarily employed in said office from April 1, 1881, to June 30, 1882, and which amount was disallowed in the settlement of his accounts. No claim was made at that time for reimbursement on account of expenses for rent, fuel, light, and other expenses as is made in the present bill.

This committee reported favorably on January 12, 1886, on the bill presented in the second session of the Forty-eighth Congress, above referred to, and submitted an accompanying report.

Your committee are of the opinion that relief should be extended to claimant to the extent stated in the bill for expenditures on account of clerk hire, but are disinclined to allow anything for rent, fuel, light, and other expenses, as the precedent would be a most dangerous one, and would, in the judgment of your committee, lead to innumerable applications for relief under similar circumstances.

Your committee, therefore, adopt the report of this committe, No. 1024, second session, Forty-eighth Congress, and report back bill S. 326 with an amendment, and recommend its passage.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1020.

# IN THE SENATE OF THE UNITED STATES.

APRIL 17, 1888.—Ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill H. R. 3617.]

*The Committee on Claims, to whom was referred the bill (H. R. 3617) for the relief of John C. Adams, administrator of Joseph Adams, deceased, have had the same under consideration, and report thereon as follows:*

This bill is to pay John C. Adams, administrator of Joseph Adams, deceased, the sum of $8,747 for supplies furnished to and used by the armies of the United States during the late war.

The testimony of a number of gentlemen occupying official and business positions of importance is adduced to establish the character and standing of Joseph Adams in his life-time, amongst whom are Generals James M. Shackelford and John W. Foster. These latter gentlemen personally knew of supplies having been furnished, and their statements are printed herewith.

When this claim was first presented to this committee it seemed to a majority that the statement of General Shackelford, dated February 6, 1886, conveyed the idea that in furnishing these supplies Mr. Adams had intended to give them to the Government, and that having done so, they could not now be properly paid for. The attention of Generals Shackelford and Foster having been called to this, they both made statements upon this point, which induced a reconsideration by the committee. These statements are all printed in full with this report for the information of the Senate.

An itemized account, regularly made out and duly sworn to by Mr. Adams and others, was, upon examination by the committee, submitted to the Quartermaster-General for examination and a report as to the correctness of the prices charged. The account and also the report of the Quartermaster-General is printed herewith, and the committee calls the attention of the Senate to the great difference in the prices charged and sworn to as "reasonable and just, and not in excess of the market price of stores at the time and place" and those reported by the Quartermaster-General.

This latter circumstance is of such moment, in the opinion of the committee, as to require the printing herewith of all the evidence submitted in this case to the committee, so that the effect of such overcharges may be determined by the Senate.

The committee recommend that the bill be amended so as to allow pay for the articles specified at the prices stated by the Quartermaster-General as being paid by the Government at the time and place.

For this purpose the committee recommend that the House bill be amended by striking out the words "eight thousand seven hundred and forty-seven," and that in lieu thereof the words "four thousand four hundred and thirty-five" be inserted, and that as amended the bill pass.

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WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
*Washington, D. C., April* 14, 1888.

SIR: Referring to your communication of the 12th instant, inclosing H. R. Report No. 311, Fiftieth Congress, first session, in the case of a bill for the relief of John C. Adams, administrator of Joseph Adams, deceased, of Henderson County, Ky., and asking for the information of the Senate Committee on Claims, whether the prices charged in said report are reasonable at the time and place, etc., I have the honor to submit the following table showing the prices charged in said report, and the prices allowed and paid by the United States in said county and State at the dates specified:

| Date. | Articles. | Prices as charged in report. | Prices allowed and paid by the United States. |
|---|---|---|---|
| Mar., 1862 | Corn ..... per bushel | $0.90 | $0.50 |
| | Hay ..... per ton | 30.00 | 15.00 |
| | Straw ..... do | 30.00 | 6.00 |
| | Oats* ..... do | 30.00 | 15.00 |
| | Wood, seasoned ..... per cord | 6.00 | 3.00 |
| Mar., 1863 | Oats* ..... per ton | 30.00 | 20.00 |
| | Corn ..... per bushel | .90 | .60 |
| | Hay ..... per ton | 30.00 | 15.00 |
| | Wood, seasoned ..... per cord | 6.00 | 3.00 |
| | Straw ..... per ton | 30.00 | 6.00 |
| Mar., 1864 | Corn ..... per bushel | .90 | .90 |
| | Hay ..... per ton | 30.00 | 20.00 |
| | Oats* ..... do | 30.00 | 20.00 |
| | Bacon ..... per pound | .25 | .12 |
| | Horses ..... each | 250.00 | 140.00 |
| | Cattle ..... per head | 87.50 | 45.00 |
| | Hogs ..... do | 5.00 | 5.00 |
| Mar., 1865 | Hay ..... per ton | 30.00 | 20.00 |
| | Service of 4 mule teams and drivers, three weeks | 180.00 | 180.00 |

* In the sheaf.

In reference to the charge for "use of warehouse from January, 1864, to December, 1864, $300," as the size and character of the warehouse is not set forth, it is not possible to state whether or not said charge is a reasonable one.

The prices of bacon, beef cattle, and hogs, as set forth in second column above, have been obtained from the Commissary-General of Subsistence, to whose department the articles pertain.

The report inclosed by you is herewith respectfully returned.

Very respectfully, your obedient servant,

S. B. HOLABIRD,
*Quartermaster-General, U. S. Army.*

Hon. JAMES K. JONES,
*United States Senate.*

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*To the Congress of the United States:*

Your petitioner, Joseph Adams, of Henderson, in the State of Kentucky, respectfully shows, that during the war of the rebellion he was a resident and citizen of Henderson, in the State of Kentucky, where he still resides; that during the time of the war he was the owner of a large quantity of real estate in the county of Henderson and State aforesaid; that he was at that time engaged in dealing in tobacco, and also farming; that during the years of the war he furnished the soldiers of the United States Army quartered at Henderson, Ky., a large quantity of supplies, consisting of corn, hay, oats, meat, wood, etc., of great value, to wit, $8,747, a bill of particulars of which he has made out, and which her efers to and makes a part of

this petition. He says that during the war of the rebellion he was, and he still is, loyal to the Government of the United States. He further says that at the time of the furnishing of said supplies to the Government, and until within a recent date, he was financially in affluent circumstances; that by reason of his then good financial condition he was indifferent in regard to said claim, and hence the same was not presented to the Government for payment during the time of the existence of the law for the presentation and payment of such claims. But he says that he has met with financial reverses, which have caused him to lose the greater portion of his property and left him financially in a ruined condition. He further says that he has also lost his health, and that he is nearly blind.

Wherefore he prays for the passage of a bill by Congress for the payment of his claim.

JOSEPH ADAMS.

STATE OF INDIANA, *Vanderburgh County, ss:*

Subscribed and sworn to before me this 19th day of January, 1882.

[SEAL.] WILLIAM ROSS SHACKELFORD,
*Notary Public, V. C.*

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*The United States to Joseph Adams, Dr.*

| | | | |
|---|---|---|---|
| Mar., | 1862. | 800 bushels of corn, at 90 cents per bushel | $720 |
| | | 40 tons of hay, at $30 per ton | 1,200 |
| | | 19 tons of straw, at $30 per ton | 570 |
| | | 18 tons of oats, at $30 per ton | 540 |
| | | 40 cords seasoned wood, at $6 per cord | 240 |
| | 1863. | 6 tons of oats, at $30 per ton | 180 |
| | | 160 bushels of corn, at 90 cents per bushel | 144 |
| | | 6 tons of hay, at $30 per ton | 180 |
| | | 35 cords of seasoned wood, at $6 per cord | 210 |
| | | 10 tons of straw, at $30 per ton | 300 |
| | 1864. | 320 bushels of corn, at 90 cents per bushel | 288 |
| | | 10 tons of hay, at $30 per ton | 300 |
| | | 9 tons of oats, at $30 per ton | 270 |
| | | 10 tons of hay, at $30 per ton | 300 |
| | | 5,000 pounds of bacon, at 25 cents per pound | 1,250 |
| | | 100 pounds of bacon, at 25 cents per pound | 25 |
| | | 2 horses, at $250 each | 500 |
| | | 4 head of cattle | 350 |
| | | 20 head of hogs | 100 |
| | 1865. | 20 tons of hay, at $30 per ton | 600 |
| | | Service of 4 mule teams and drivers three weeks | 180 |
| | | To use of warehouse from January, 1864, to December, 1864, used as store-house for quartermaster stores | 300 |
| | | Total | 8,747 |

STATE OF KENTUCKY, *County of Henderson, ss:*

Personally appeared before me, a justice of the peace in and for the said county, Joseph Adams, who being duly sworn according to law, deposes and says that he is a citizen of the county of Henderson and State of Kentucky; that the annexed account is correct and just; that he has made no charge therein for damages, or for losses sustained by thefts, or depredations committed by troops; that the stores, as above enumerated, were taken from him in the county of Henderson and State of Kentucky on or about during the years set forth, 186 , by officers and soldiers of the U. S. Army for the use of, and were used by the U. S. Army; that the value thereof was $8,747, which amount he claims under act of July 4, 1864, and hereby makes application for the same; he further says that no receipt or voucher has been received therefor for the reason that the property was taken and used and no receipts were given for the same; that no payment has been made, or compensation received in any way, or from any source whatever, for the whole or any part of said claim; that it has not been transferred to any person or persons whomsoever; that the rates or prices charged are reasonable and just, and do not exceed the market rate or price of the stores at the time and place stated; that all the wood was cut and seasoned, and I, Joseph Adams, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder; and that I will in like manner abide by and faith-

fully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress or by decision of the Supreme Court; and that I will in like manner abide by and faithfully support all proclamations of the President, made during the existing rebellion, having reference to slaves, so long and so far as not modified or declared void by the decision of the Supreme Court. So help me God.

And I hereby constitute and appoint ——— ———, of ———, my true and lawful attorney irrevocable, with full power of substitution for me and in my name, place, and stead, to prosecute this claim, hereby annulling and revoking all former powers of attorney or authorizations whatever in the premises, and to receive and receipt for any draft or certificate to my order that may issue in payment thereof.

JOSEPH ADAMS.

WILLIAM HATCHETT.
C. L. WALKER.

Also personally appeared before me John R. Williams and A. V. Williams, citizens of the county of Henderson and the State of Kentucky, who, being duly sworn according to law, depose and say that they have carefully read the foregoing affidavit of Joseph Adams, and to the best of their knowledge and belief the facts therein stated are true, and the stores charged for, namely:

| | |
|---|---|
| 1,280 bushels of corn, at 90 cents per bushel | $1,152 |
| 86 tons of hay, at $30 per ton | 2,580 |
| 29 tons of straw, at $30 per ton | 870 |
| 33 tons of oats, at $30 per ton | 990 |
| 75 cords of wood, at $6 per cord | 450 |
| 5,100 pounds of bacon, at 25 cents per pound | 1,275 |
| 2 horses, at $250 each | 500 |
| 4 head of cattle | 350 |
| 20 hogs | 100 |
| Service 4 mule teams three weeks and drivers for 4 mule teams three weeks | 180 |
| To use of warehouse from January, 1864, to December, 1864, used as storehouse for quartermaster stores | 300 |
| Total | 8,747 |

were delivered, as stated, for the use of the U. S. Army, and that the charges were the market price at the time of said delivery; they further say that they are well acquainted with the said claimant, and know that he was, at the time his claim originated, and has been ever since, loyal to the United States; that they know the facts stated in the above affidavit are true, because they lived on Joseph Adams's farm at the time; that they have no interest in the above claim.

J. R. WILLIAMS.
A. V. WILLIAMS.

WILLIAM HATCHETT.

Sworn to, acknowledged, and subscribed before me at Henderson the 13th day of December, 1881; and I certify I have no interest in the above claim.

J. M. STONE, *J. P.*

STATE OF KENTUCKY, *County of Henderson, ss:*

I, George W. Smith, clerk of the Henderson County court, in and for said county, certify that Joseph Adams is a citizen of the county of Henderson and State of Kentucky, and that he is respectable and entitled to credit. I also certify that the above is the genuine signature of J. M. Stone, esq., who was at the time of subscribing the same a duly qualified justice of the peace in and for said county, and that his official acts are entitled to full faith and credit; and also certify that the above is the genuine signature of H. S. Park, postmaster at Henderson, Ky.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said county court at Henderson the 14th day of December, 1881.

[L. S.]

GEORGE W. SMITH,
*Clerk of the Henderson County Court.*

HENDERSON, HENDERSON COUNTY, KY.,
*December* 13, 1881.

I certify that I am postmaster at Henderson, Ky., and am well acquainted with Joseph Adams, of the city of Henderson, Ky. I did not know the claimant at the time his claim for quartermaster's stores originated, being a soldier in the U. S. Army at that time. Am credibly informed that during the time his claim originated, that is from 1862 to 1865, he was at home in this city attending to his own private business; that neither he nor his sons were engaged in the rebellion against the United States, but were during the entire war in this city. I have known him well since 1865.

Since that time I know he has been loyal to the United States. John R. Williams and A. V. Williams are citizens of this place, are respectable, worthy, and entitled to credit. I have no interest in his claim and am not concerned in its prosecution.

H. S. PARK,
*Postmaster.*

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BRIEF OF PAPERS.

Affidavits of David Banks, circuit court clerk of Henderson County, Ky.; George W. Smith, county court clerk of Henderson County, Ky.; P. H. Lockett, county judge of Henderson County, Ky.; J. M. Stone, justice of the peace of Henderson County, Ky.; William Hatchett, sheriff of Henderson County, Ky; H. F. Turner, W. J. Marshall, John C. Atkinson, Jackson McClain, and John E. McCallister, citizens of Henderson County, Ky., who swear that they have known Joseph Adams for from twenty to forty years last past; that he was loyal to the Union during the late war of the rebellion; that he had, till recently, been in affluent circumstances, but now greatly reduced owing to financial reverses.

The certificate of H. S. Park, postmaster of Henderson, Ky., who attests the official character of the officers named, and that they and the citizens named are gentlemen of standing and integrity and are entitled to full faith and credit.

STATE OF KENTUCKY, *Henderson County, sct:*

I, John E. McCallister, being duly sworn and on my oath, do say that I have resided in the county and State aforesaid all my life, and that I have been for more than forty years past well acquainted with Joseph Adams, of the city of Henderson, who has a claim against the Government; and I further state that I knew Mr. Adams during the war of the rebellion, and that he took no part in the war, and was loyal to the Government of the United States; and I further state that during the war and for a long time thereafter he was in affluent circumstances, but having met with financial reverses he is now in reduced circumstances.

JOHN E. MCCALLISTER.

STATE OF KENTUCKY, *Henderson County, sct:*

Personally appeared before me John E. McCallister, who is to me well known, and who states upon oath that the foregoing affidavit is true.

Witness my hand and seal this 14th day of January, A. D. 1882.

[SEAL.] RICHARD H. CUNNINGHAM.
*Notary Public.*

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STATE OF KENTUCKY, *Henderson County:*

I, H. F. Turner, being duly sworn and on my oath, do say that I have resided in the county and State aforesaid for upwards of twenty-eight years, and that I have been for twenty-eight years last past well acquainted with Joseph Adams, of the city of Henderson, who has a claim against the Government; and I further state that I knew Mr. Adams during the war of the rebellion, and that he took no part in the war, and was loyal to the Government of the United States to the best of my knowledge and belief; and I further state that during the war and for a long time thereafter he was in affluent circumstances, but having met with financial reverses he is now in reduced circumstances.

H. F. TURNER.

STATE OF KENTUCKY, *Henderson County:*

Personally appeared before me H. F. Turner, who is to me well known, who states under oath that the above affidavit is true.

Witness my hand and seal this 14th day of January, 1882.

[SEAL.] RICHARD H. CUNNINGHAM,
*Notary Public.*

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STATE OF KENTUCKY, *Henderson County:*

I, Jackson McClain, being duly sworn, and on my oath do say, that I have resided in the county and State aforesaid all my life, and that I have been for more than thirty years past well acquainted with Joseph Adams, of the city of Henderson, who

has a claim against the Government; and I further state that I knew Mr. Adams during the war of the rebellion, and that he took no part in the war and was loyal to the Government of the United States; and I further state that during the war and for a long time thereafter he was in affluent circumstances, but having met with financial reverses he is now in reduced circumstances.

JACKSON MCCLAIN.

STATE OF KENTUCKY, *Henderson County:*

Personally appeared before me Col. Jackson McClain, who is to me well known, who states under oath that the above affidavit is true.

Sworn to before me this 14th January, 1882.

[SEAL.] C. T. STARLING,
*Notary Public, Henderson County, Ky.*

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STATE OF KENTUCKY, *Henderson County, ss:*

I, W. I. Marshall, being duly sworn, and on my oath do say, that I have resided in the county and State aforesaid all my life, and that I have been for more than thirty years last past well acquainted with Joseph Adams, of the city of Henderson, who has a claim against the Government; and I further state that I knew Mr. Adams during the war of the rebellion, and that he took no part in the war and was loyal to the Government of the United States; and I further state that during the war and for a long time thereafter he was in affluent circumstances, but having met with financial reverses he is now in reduced circumstances.

W. I. MARSHALL.

STATE OF KENTUCKY, *Henderson County:*

Personally appeared before me, W. I. Marshall, who is to me well known, who states under oath that the above affidavit is true.

Witness my hand and seal this 14th day of January, A. D. 1882.

[SEAL.] R. H. CUNNINGHAM,
*Notary Public.*

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STATE OF KENTUCKY, *Henderson County:*

I, John C. Atkinson, being duly sworn, and on my oath do say, that I have resided in the county and State aforesaid all my life, and that I have been for more than thirty years past well acquainted with Joseph Adams, of the city of Henderson, who has a claim against the Government; and I further state that I knew Mr. Adams during the war of the rebellion, and that he took no part in the war and was loyal to the Government of the United States; and I further state that during the war and for a long time thereafter he was in affluent circumstances, but having met with financial reverses he is now in reduced circumstances.

JNO. C. ATKINSON.

STATE OF KENTUCKY, *Henderson County:*

Personally appeared before me John C. Atkinson, who is to me well known, who states under oath that the above affidavit is true.

Witness my hand and seal this 14th day of January, A. D. 1882.

[SEAL.] RICH'D H. CUNNINGHAM,
*Notary Public.*

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STATE OF KENTUCKY, *Henderson County:*

I, J. M. Stone, being first duly sworn, do say on oath, that I have resided in Henderson County and State of Kentucky for more than twenty years last past; that I am at this time a justice of the peace for said county. I further state that I am and have been for more than twenty years last past acquainted with Joseph Adams, of the city of Henderson, in Kentucky, who has a claim against the United States Government; that I knew Mr. Adams during the war of the rebellion, and that he was loyal to the Government of the United States. I further say that during the war, and for a long time thereafter, he was in affluent circumstances; that I have no interest in his claim.

J. M. STONE, *J. P., H. C.*

Subscribed and sworn to before me by J. M. Stone, who is an acting justice of the peace, and worthy to be believed on oath

January 13, 1882.

P. H. LOCKETT,
*County Judge of Henderson County.*

STATE OF KENTUCKY, *Henderson County, sct:*

I, P. H. Lockett, presiding judge of the Henderson County court, say on oath that I have known Mr. Joseph Adams, of the city of Henderson, for the thirty years last past; that I knew him during the war between the States; that I did not during the war, nor any time since the war, so far as I remember now, ever hear him say or see him do or hear of his doing anything that would tend to encourage those in rebellion against the General Government or hinder or cripple the Federal cause, and knowing him to be of Northern birth and education, supposed and still suppose him to have been loyal.

P. H. LOCKETT, *P. J., H. C. C.*

Subscribed and sworn to before me this 13th day of January, 1882, by P. H. Lockett, who is presiding judge of the Henderson County court, and worthy to be believed on oath.

J. M. STONE, *J. P.*

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STATE OF KENTUCKY, *County of Henderson, ss:*

I, David Banks, jr., clerk of the circuit court, in the county and State aforesaid, do say on my oath that I have resided in said county and State more than twenty years last past; that I am at this time clerk of the circuit court in this county. I further state that I am, and have been for more than twenty years, acquainted with Joseph Adams, of Henderson, Ky., who has a claim against the United States Government. I knew Mr. Adams during the war of the rebellion. He was known and recognized as a loyal Union man, and I believe that he was loyal to the Government of the United States. During the war, and for a long time thereafter, he was in affluent circumstances, but recently he has been much reduced financially.

DAVID BANKS, Jr.

Sworn to before me by David Banks, jr., this 13th day of January, 1882.

J. M. STONE, *J. P., H. C.*

I, William Hatchett, sheriff of Henderson County, Ky., do state on my oath that I have resided in Henderson for more than twenty years last past. I have known Joseph Adams for more than twenty years last past, and knew him during the war of the rebellion to be recognized as a loyal Union man.

WILLIAM HATCHETT.

Subscribed and sworn to before me this 14th day of January, 1882.

G. W. SMITH, *C. H. C. C.*

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STATE OF KENTUCKY, *Henderson County, sct:*

I, George W. Smith, clerk of the Henderson County court and keeper of the seal and records thereof, certify that I have resided in said county and State for the last forty years; that I am at the present time clerk of the Henderson County court. I further state that I am acquainted with Joseph Adams, and have been acquainted with him for over thirty years. I knew Mr. Adams during the war of the rebellion; he was known and recognized as a loyal citizen to the Government of the United States, and I never heard of his loyalty being questioned. I know from my own personal knowledge that he took no part in the rebellion, but was a resident of the city of Henderson, engaged in farming and buying tobacco during the whole time of the war. I furthermore state that Mr. Adams during the war was in affluent circumstances, but that at the present time his means have been greatly reduced and he is now in moderate and reduced circumstances; and I further certify that David Banks, whose genuine signature appears to the foregoing affidavit, is the present duly commissioned, qualified, and acting clerk of the circuit court for Henderson County, and that P. H. Lockett, whose genuine signature appears to the foregoing affidavit, is the duly commissioned and qualified presiding judge of the Henderson County court, and that J. M. Stone, whose genuine signature appears to one of the foregoing affidavits, is a justice of the peace for Henderson County, duly commissioned and qualified, and that William Hatchett, whose genuine signature appears to the foregoing affidavit, is the duly elected, qualified, and acting sheriff of Henderson County.

Witness my hand and official seal this 14th day of January, 1882.

[SEAL.] GEORGE W. SMITH, Clerk.

HENDERSON, HENDERSON COUNTY, KY., *January* 14, 1882.

I, Harvey S. Park, postmaster at Henderson, Ky., do certify that David Banks, circuit court clerk; George W. Smith, county court clerk; P. H. Lockett, county judge; J. M. Stone, justice of the peace; William Hatchett, sheriff, whose affidavits are hereto attached, are officials in this city, such as set forth in their respective affidavits, and that they are officers in good standing and are entitled to full credit in the statements in their affidavits.

I also certify that H. F. Turner, W. J. Marshall, John C. Atkinson, Jackson McClain, and John E. McCallister, who have also given their affidavits, which are hereto attached, are all gentlemen of standing and integrity, and that I have no interest in the claim of Joseph Adams, for quartermaster stores.

Given at Henderson, Ky., on the day and year above written.

H. S. PARK,
*Postmaster at Henderson, Ky.*

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THE MERCHANTS' NATIONAL BANK,
*Evansville, Ind., December* 14, 1881.

I hereby certify that I have known Mr. Joseph Adams, of Henderson, Ky., for thirty years, and believe him to be an honest man, and am satisfied that any statement he may make in regard to any claim he may have against the United States Government will be as near correct as any one can be made.

Yours, etc.,

C. R. BEMENT.
*President Merchants' National Bank.*

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[Office of L. M. Baird, produce and commission merchant.]

EVANSVILLE, IND., *December* 14, 1881.

To whom it may concern:

I have known Joseph Adams, of Henderson, Henderson County, Ky., since 1861; have had a great many dealings with him, and have always found him to be a clear-headed, honest, and honorable man, and would personally vouch for any claim that might be presented against the United States Government by him for loss of property and damages sustained by him during the war of the rebellion, as I regard him a true gentleman in every sense the word implies.

L. M. BAIRD.

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EVANSVILLE, IND., *February* 6, 1886.

DEAR SIR: I have been requested by the administrator of the estate of Joseph Adams, of the city of Henderson, Ky., to write you what I may know of the correctness and justice of the claim which the decedent had against the Government of the United States, and which is now being presented by his personal representative.

In compliance with the request, I make the following statement of the facts connected with the matter: For several consecutive months during the progress of the war I was in command of a district embracing a part of southwestern Kentucky, having my headquarters at the city of Henderson.

Col. John W. Foster and his command were stationed in the city at the same time.

Mr. Joseph Adams, the decedent, who resided at Henderson, owned at that time a large farm in the immediate vicinity of our camps. On the farm was a large amount of corn and other provender, which our commands needed and had to have provided for them, and, in pursuance of the orders which were issued by Colonel Foster and I, large quantities of the corn and other supplies were taken from Mr. Adams's farm, the whole of which was appropriated to the use of the Government without any payment being made to the owner therefor.

I was well acquainted with Mr. Adams, having known him for a number of years before the war, and I know that he was a loyal citizen; in fact, such was the character of his loyalty, and such his desire for the success of the Union armies, that he, being at that time a gentleman of large fortune, and without an apprehension that the time would come when he would need the money which he was entitled to receive from the Government for the value of his property which we had caused to be taken from his farm, he neither asked for nor were there any vouchers given him on account thereof.

After the close of the war, however, and after the expiration of the time fixed by the law of Congress for the payment of such claims, Mr. Adams met with financial disasters, which caused him to lose the whole of his fortune. His health also broke down, and he became in a manner blind, and then it was that he for the first time made a move for the payment of the debt by petitioning to Congress to pass a bill for the payment of the same.

Such are the facts connected with the matter as I recollect them.

The claim is a just one, and in my opinion it ought to be paid.

Very respectfully, yours,

JAMES M. SHACKELFORD.

Hon. POLK LAFFOON,
*Washington, D. C.*

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**In the matter of the claim of John C. Adams, administrator of the estate of Joseph Adams, deceased. Before the Committee on War Claims.**

*Statement of John W. Foster.*

During the war of the rebellion I was in command for sometime of several regiments or detachments of troops of the Union Army at and in the vicinity of Henderson, Ky.

Most of these troops were cavalry or mounted infantry. During a part of this time I reported to General James M. Shackelford, as commanding officer, and a part of this time to General J. T. Boyle at Louisville. These troops were constantly engaged in expeditious against the marauding bands of Confederate troops, or in efforts to prevent the recruiting in that vicinity for the Confederate army, and in their marches they were seldom able to carry with them their forage or a large commissary supply, and in great measure lived upon the country.

Mr. Joseph Adams was a large farmer and land-owner in Henderson County, Ky., and I know that the Union troops named took from him, for their subsistence, a large amount of forage and supplies during the time stated, and I have been informed and believe that he did not at the time require any vouchers for the same, and was not paid therefor.

He was then in affluent circumstances, and a strong Union man, personally known to me as loyal to the Government, and he did not choose to urge demand for payment.

In the latter years of his life financial and physical misfortunes overtook him, and upon the advice of General Shackelford, myself, and other friends, who were his neighbors, living on the opposite side of the Ohio River, at Evansville, Ind., he presented his petition to Congress for relief and payment for his claim.

The bill now pending before Congress I believe to be a just and equitable measure for that purpose.

February 12, 1886.

JOHN W. FOSTER.

WASHINGTON, D. C., *March* 19, 1888.

MY DEAR SIR: I looked over the papers in the claim of Adams (House bill No. 3617), and the only one that lends any color to the view that Adams intended the supplies taken to be a gift to the Government is the statement of General Shackelford, and I am quite sure the general never intended it should be so understood. I have suggested to Congressman Laffoon, who has charge of the bill, to ask General S. to telegraph you his real meaning on that point.

Availing myself of your kind offer, I will be present at the meeting of the Committee on Claims on Wednesday morning, at 10 o'clock, hoping to have an opportunity to make a brief statement in behalf of an old friend and neighbor.

Very truly,

JOHN W. FOSTER.

Hon. JOHN C. SPOONER, U. S. S.

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[Telegram.]

EVANSVILLE, IND., 19 *March*, 188—.

Hon. JOHN C. SPOONER,
*Chairman:*

My statement in Adams's claim not to be understood as intimating that the supplies taken were intended by Adams as a gift to the Goverment, but that he merely neglected to press the collection of claim in time fixed by law.

JAMES M. SHACKELFORD.

EVANSVILLE, IND., *March* 20, 1888.

MY DEAR SIR: I have both of your letters and I beg to assure you that I gratefully appreciate all you have done in the matter of the Adams claim. Hon. Polk Laffoon wired me on yesterday, requesting that I telegraph Senator Spooner, chairman of your committee, as to the meaning of the statement I had made in the case. I was surprised to learn that my statement was of doubtful meaning, and I immediately telegraphed the Senator, saying: "My statement in the Adams claim is not to be understood as intimating that the supplies taken were intended by Adams as a gift to the Government, but that he merely neglected to press the collection of his claim within the time fixed by law."

If the statement which I made is susceptible of any other construction than this it is erroneous, for Mr. Adams did not at any time say or do anything indicating even an intention on his part to make a gift of his property to the Government. In fact, there was not a single element of a gift connected with the transaction. On the contrary, the supplies were necessary for the use of the military commands, and General Foster and myself, as officers of the Government, took the property not as a gift, but as a purchase, and thereby the debt was created on the part of the Government, which has never been settled.

It is, as I have before stated, a valid and just debt, which ought in my opinion to be paid, and if the action of your committee is not final, but a reconsideration may be had or the matter brought up again, I do hope you will call it up and, if possible, have the report you made as subcommittee adopted, and thereby a favorable report on the bill may be made to the Senate.

Very truly, yours,

JAMES M. SHACKELFORD.

Hon. JAMES K. JONES,
*Washington, D. C.*

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*Statement made by John W. Foster before the Senate Committee on Claims, March* 21, 1888.

I was in command in Kentucky during the time the greater portion of the supplies were taken by the United States troops from Mr. Joseph Adams. He owned farms in Henderson County and the counties adjoining. The troops were engaged in chasing down and driving out squads of Confederate soldiers who had passed through the lines of the Union armies in Tennessee, and who were actively engaged in securing and sending through to the South recruits for the Confederate army. My command, which was mostly mounted infantry, was occupied in small detachments in securing these counties; and, as a rule, when upon such expeditions, they lived upon the country, obtaining supplies for themselves and their horses from the farmers. Vouchers were seldom given, but interested parties were expected to report and prove their losses and loyalty to the post quartermasters, and thus obtain their vouchers. As the country was in an unsettled condition, it is possible Mr. Adams's overseers on the farms did not go to the posts or report to him in time to obtain vouchers. But I think accurate accounts of these losses were kept, as Mr. Adams informed me, when he first spoke to me about presenting his claim to Congress, that detailed entries of his losses had been preserved by him, and that his overseers, from whom the supplies were taken were living, and could swear to the items.

I never understood from anything he ever said or did that he intended to donate the supplies taken by the troops, or that he considered them as a gift to the Government. He represented to me that he had been deterred from prosecuting his claim by the idea he had formed that it was a difficult and expensive matter to get it allowed, and as he was not in pressing need of the money he neglected the presentation of it until his claim became barred by the statute.

JOHN W. FOSTER.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1021.

# IN THE SENATE OF THE UNITED STATES.

APRIL 18, 1888.—Ordered to be printed.

Mr. PASCO, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 204.]

*The Committee on Claims, to whom was referred the bill (S. 204) for the relief of the heirs of Maurice Grivot, late of New Orleans, La., have examined the same, and report as follows:*

The heirs of Maurice Grivot have here presented their claim for relief on several former occasions. It was before this committee during the Forty-seventh Congress and each Congress since. A part of it was disallowed, but as to the residue this committee has each time reported favorably, and a bill substantially the same as that now before us passed the Senate during the Forty-eighth Congress. The present bill gives to the heirs only the amount which the former reports have favored, and they re-adopt so much of the last report as relates to the amount now claimed and only omit therefrom so much as relates to the rejected amounts. This report, thus modified, reads as follows:

That Marie Emma Nicholas and Annie Elodie Jaques are the heirs at law of Maurice Grivot, who was a citizen of the State of Louisiana; that said Grivot was a depositor in the branch of the Louisiana State Bank at New Orleans, and that on the 17th day of August, 1863, there stood to his credit in said bank the sum of $1,574.79, which was taken possession of by the military authorities of the United States, then in the occupation of the city of New Orleans, under the following circumstances:

On the 17th of August, 1863, an order was issued by command of Major-General Banks, then in command of the Department of the Gulf, requiring the several banks and banking associations of New Orleans to pay over, without delay, to the chief quartermaster of the Army, or to such officer of his department as he might designate, all money in their possession belonging to, or standing upon their books to the credit of, any person registered as an enemy of the United States or engaged in any manner in the military, naval, or civil service of the "so-called Confederate States, or who should have been, or might hereafter be, convicted of rendering any aid or comfort to the enemies of the United States." The order declared that those funds would "be *held* and *accounted* for by the Quartermaster's Department, *subject* to the *future* adjudication of the Government of the United States."

Under and in obedience to this order, the branch of the Louisiana State Bank paid over to the acting quartermaster the balance standing on its books to the credit of Maurice Grivot, who seems to have been registered as an enemy of the United States. It appears from the receipts and accounts of the quartermaster to whom this balance of $1,574.79 belonging to Grivot was paid, that the sum of $611.94 was received in Confederate funds and the sum of $962.85 in par or current funds. Why a portion of the amount was paid and received in Confederate funds is not explained. The United States authorities do not appear to have made any use of the Confederate funds. The par funds ($962.85), with like funds received under said General Order No. 202 from other banks, amounting in the aggregate to $44,692.43, were taken up in August, 1863, and expended by the quartermaster for the ordinary purposes of the Quartermaster's Department. The order of the commanding general directed the fund "to be held and accounted for by the Quartermaster's Department, *subject* to the *future* adjudication of the Government of the United States." And the chief quartermaster, in his order

designating Captain McClure, acting quartermaster, as the officer to receive said funds, directed him to "hold this money and account for it to the United States Treasury."

The present bill proposes to return to the heirs of said Grivot the sum of $962.85, being the amounts received by the Government from the bank in par or current funds, no demand being made for the amount turned over by the bank in Confederate funds.

The only question raised by the facts and circumstances above detailed is whether there is any duty or obligation, legal or equitable, on the part of the Government to return or pay over to the heirs of Grivot the amount of *par funds* belonging to him which were received from the bank.

At the close of the war Grivot sought redress against the bank in the State courts of Louisiana, but failed to recover, the court holding that the military order under which the money was paid over was a protection to the bank. He or his heirs, therefore, have only the Government to look to for re-imbursement, and whether such re-imbursement should be made by the United States properly involves a consideration of the *validity* of General Order No. 202, under which the fund was turned over. The object and purpose of the order was not to supply military wants and necessities, but simply to impound and confiscate the moneys of persons registered as enemies of the United States. Had the commanding general of the department, in August, 1863, authority to issue such an order? This is not an open question. The Supreme Court of the United States in the case of Planters' Bank *vs.* Union Bank (16 Wallace, 494 to 497) had occasion to pass upon the validity of this very order, and it was there decided, in December, 1872, that General Banks had no authority to make said order, and that it was wholly invalid. The following extract from the opinion of the court will show the reasoning and principle on which the decision was rested. The court say:

"The validity of the order is, therefore, the first thing to be considered. It was made, as we have seen, on the 17th of August, 1863. Then the city of New Orleans was in quiet possession of the United States forces. It had been captured more than fifteen months before that time, and undisturbed possession was maintained ever after its capture. Hence the order was no attempt to seize property '*flagrante bello*,' nor was it a seizure for immediate use of the Army. It was simply an attempt to confiscate private property, which, though it may be subjected to confiscation by legislative authority, is, according to the modern law of nations, exempt from capture as booty of war. Still, as the war had not ceased, though it was not flagrant in the district, and as General Banks was in command of the district, it must be conceded that he had power to do all that the laws of war permitted, except so far as he was restrained by the pledged faith of the Government or by the effect of Congressional legislation. A pledge, however, had been given that rights of property should be respected. When the city was surrendered to the Army under General Butler, a proclamation was issued dated May 1, 1862, one clause of which was as follows: '*All the rights of property of whatever kind will be held inviolate*, subject only to the laws of the United States.' This, as was remarked in the case of the Venice (2 Wallace, 258), 'only reiterated the rules established by the legislative and executive action of the National Government in respect to the portions of the States in insurrection occupied and controlled by the troops of the Union.'

"That action, it was said, indicated the policy of the Government to be, not to regard districts occupied and controlled by national troops as in actual insurrection, or their inhabitants as subject in most respects to treatment as enemies. Substantial, complete, and permanent military occupation and control was held to draw after it the full measure of protection to persons and property consistent with a necessary suggestion to military government. We do not assert that anything in General Butler's proclamation exempted property within the occupied district from liability to confiscation as enemy's property, if in truth it was such. All that is now said is, that after that proclamation private property in the district was not subject to military seizure as booty of war. But admitting, as we do, that private property remained subject to confiscation, and also that the proclamation applied exclusively to inhabitants of the district, it is undeniable that confiscation was possible only to the extent and in the manner provided by the acts of Congress. These acts were passed on the 6th August, 1861, and on the 17th July, 1862.

"No others authorized the confiscation of private property, and they prescribed the manner in which alone confiscation could be made. They designated Government agents for seizing enemies' property, and they directed the mode of procedure for its condemnation in the courts. The system devised was necessarily exclusive. No authority was given to a military commandant, as such, to effect any confiscation. * * * It is therefore of little importance to inquire what, under the general laws of war, are the rights of a conqueror, for during the recent civil war the Government of the United States asserted no general right in virtue of conquest to compel the payment of private debts to itself. On the contrary, it was impliedly disclaimed, except so far as the acts of 1861 and 1862 asserted it. These enactments declaring

that private property belonging to certain classes of persons might be confiscated, in the manner particularly described, are themselves expressive of an intent that the rights of conquest should not be exercised against private property except in the cases mentioned and in *the manner pointed out.* * * * It follows, then, that the order of General Banks was one which he had no authority to make, and that his direction to the bank to pay to the quartermaster of the Army the debt due the Planters' Bank was wholly invalid."

The Supreme Court having thus decided that the attempt of the commanding general of the department to enforce by military order the confiscation acts of Congress against the property and effects of rebellious citizens of the United States was without authority and invalid, and it further appearing that there has never been any judicial procedure for the condemnation of the funds thus seized as directed and required by the confiscation acts of 1861 and 1862, so as to divest and defeat the private rights and interests of the owner, it follows that the United States acquired no valid title under that seizure to the money of Grivot, who before his death received full and complete amnesty from the Government, which removed the only ground on which confiscation or an actual divestiture of his interests could be predicated. The possession obtained by the Government under the unauthorized order of its commanding officer conferred upon it *no higher* or *stronger right* to this fund than that acquired by a seizure under the captured and abandoned property acts.

The Government simply got possession of the fund, with the right to have it condemned and confiscated in the *exclusive* mode and manner directed and prescribed by the confiscation acts of 1861 and 1862, but before exercising this right, which was necessary to a valid divestiture of the owner's title and to perfect its own, the Government confers upon the owner complete amnesty for all the past offenses which entitled it to confiscate the fund. This grant of amnesty was a voluntary surrender and abandonment by the United States of its right to complete and perfect that judicial condemnation of the fund which was necessary to defeat the owner's interest. Having been pardoned before any legal and valid divestiture of his rights was had, the acts of Congress and the decisions of the Supreme Court entitle the owner or his legal representatives to the full benefit of a restoration of his property as completely as though no seizure had ever been made or military confiscation attempted.

Under the authority of Armstrong *vs.* United States (13 Wallace, 154) and Pargoud *vs.* United States (16 Wallace, 156) the claimants in the present case, if they could sue the Government, would be entitled to recover this fund. Will Congress deny to them, simply because it has the power to withhold, what the courts of the United States would allow as a valid right? To do so would be the exercise of a punitive power, destructive of the rights which the clemency of the Executive Department has lawfully restored. It would present a singular anomaly for Congress to deny rights recognized by the judicial and executive departments of the Government.

Your committee, therefore, consider that the money belonging to Grivot, to the extent of $962.85, received, as aforesaid, by the Government in par funds, should be restored to his heirs at law, and they accordingly recommend the passage of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1022.

# IN THE SENATE OF THE UNITED STATES.

APRIL 18, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 1725.]

*The Committee on Claims, to whom was referred the bill (S. 1725) for the relief of the legal representatives of Lewis W. Washington, have carefully examined the same, and report:*

This claim was before the Forty-eighth and Forty-ninth Congresses, and a favorable report was made to the House in the Forty-eighth Congress. No report was made either in the Senate or House in the Forty-ninth Congress.

The evidence upon which this claim rests, so far as the committee think proper to act upon it favorably, depends entirely upon the records of the Quartermaster-General's Department. In a letter addressed by Maj. B. C. Card, Quartermaster-General, U. S. Army, to Mrs. Lewis W. Washington, dated January 23, 1883, he says:

> The records show that the following quantities of hay were taken from the farm of Mr. Washington, and for which vouchers were given to one Mr. Ernest, who was Mr. Washington's manager, he being then in Europe: At one time 22,000 pounds of hay, and at another time, between August 9 and 18, 141,000 pounds of hay.

In a letter from Major-General Hancock, dated January 24, 1866, the dates and prices of this hay is given, to-wit:

> July 25, 1863, 2,000 pounds of hay at $18 per ton; December 1, 1863, 20,000 pounds of hay at $16 per ton.

There is also a statement of the quartermaster at Harper's Ferry that, in addition to this hay, there was taken from the farm of Mr. Washington hay amounting to about $800. This last item is so indefinite as to its proof that the committee has been unable to consider it favorably. As to the other three items, General Rufus Ingalls, Quartermaster-General, U. S. Army, under date of January 27, 1883, indorses the letter of B. C. Card, quartermaster, U. S. Army, as follows:

> I believe the claim to be a meritorious one and I earnestly approve and recommend favorable consideration.

In the letter referred to, of January 23, 1883, the Quartermaster-General's Department declined to pay the same, on the ground that it was barred by the statutes of limitation, provided in the act of March 3, 1879, and recommended that Congress alone could grant relief. This ruling of the department seems strange, as the evidence in the papers clearly shows that this hay was regularly purchased, and that a claim was made for it in 1864, and also in 1866.

This account was returned by the Quartermaster's Department to the quartermaster at Harper's Ferry, November 18, 1864, with the following indorsement by the Department:

Returned; proof of loyalty required; also a statement from the quartermaster at Harper's Ferry setting forth the price of hay in that section of the country at the time of purchase, November 18, 1864. Received back November 25, 1864. Referred to Capt. George A. Flagg for payment, December 3, 1864.

The records of the Department show that this account has never been paid; and the only reason suggested why Captain Flagg did not pay it was the absence of Mr. Washington in Europe. There are several affidavits to prove the loyalty of Mr. Washington during the war filed in the papers, but the committee feel satisfied that the best evidence upon that point was the return of the voucher and proof of loyalty, and the order to pay it, by the officers of the Government, in November, 1864.

The account would stand as follows:

| | |
|---|---|
| 2,000 pounds of hay, at $18 per ton | $18.00 |
| 20,000 pounds of hay, at $16 per ton | 160.00 |
| 141,800 pounds of hay, at $18 per ton | 1,276.20 |
| Total | 1,454.20 |

The committee would recommend that Senate bill 1725 be amended in the 7th and 8th lines by striking out the words "one thousand seven hundred and thirty-six dollars" and inserting in lieu thereof the words "one thousand four hundred and fifty-four dollars and twenty cents," and, as so amended, the bill is reported favorably, with the recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1023.

# IN THE SENATE OF THE UNITED STATES.

APRIL 18, 1888.—Ordered to be printed.

Mr. BUTLER, from the Committee on Naval Affairs, submitted the following

## REPORT:

[To accompany bill S. 128.]

*The Committee on Naval Affairs, to whom was referred the bill (S. 128) for the relief of sailors and marines in the United States naval homes, have had the same under consideration, and submit the following report:*

The bill was transmitted to the honorable Secretary of the Navy for information upon the subject and his opinion regarding the proposed legislation, and in reply the honorable Secretary submitted the following letter, accompanied by a bill, which he recommends as a substitute for the bill under consideration:

NAVY DEPARTMENT,
*Washington, April* 10, 1888.

SIR: I have the honor to acknowledge your reference to this Department of S. bill No. 128, "for the relief of sailors and marines in the United States naval homes," and in compliance with your request for information upon the subject and the Department's opinion regarding the proposed legislation, I have to state that the half-pay allowance under section 4756, Revised Statutes, designated in the bill as a "servitude pension," but known in the Department as a "service" pension, is, by the terms of the act, granted "in lieu of being provided with a home in the Naval Asylum," and the applicant is required to choose between such allowance and such home. The provision thus authorized for disabled persons who have served twenty years in the Navy or Marine Corps is peculiar to the naval service, there being no corresponding provision for enlisted men of the Army; hence, legislation which would enable beneficiaries of the Naval Home, in addition to invalid and Mexican war pensions, and in addition to a home, to receive the special allowance thus provided in lieu of a home, would constitute a discrimination in their favor which is not warranted by the circumstances of the case.

The provisions of the second and third sections of the bill for a monthly allowance of $2 as pocket money have been anticipated by the existing regulation for the government of the Asylum relative to this subject, which is as follows:

"VIII. In consideration of good conduct and the faithful performance of such duties in and about the Asylum as may be directed by the governor or commanding officer, each beneficiary shall receive $2 per month. For any violation of the regulations this gratuity may be stopped for such period as the governor may deem expedient."

Referring to the foregoing statements, and also to the fact that the only "home" now provided by law for disabled persons who have served in the Navy or Marine Corps is the institution at Philadelphia, Pa., designated, in accordance with the provisions of section 4810, Revised Statutes, the "Naval Asylum," I beg leave to suggest, for the consideration of the committee, the propriety of adopting, as a substitute for said bill (S. 128), the draught bill herewith inclosed, which embodies such legislation as the Department deems necessary and proper for the benefit of those who are now or may hereafter become inmates of the home. The provisions of such draught are substantially as follows:

Section 1 changes the name of the Asylum in accordance with the recommendation to that effect heretofore made by the Chief of the Bureau of Yards and Docks, who has, under the direction of the Department, a general supervision of the affairs of the institution. The recommendation alluded to may be found in the annual report of this Department for the year 1886 and is repeated in the report for 1887.

Section 2 is in conformity with the general purpose of said bill (S. 128), and allows to inmates of the Home the benefit of such invalid and Mexican war pensions as may have been granted to them, subject to rules and regulations similar to those which govern the payment of pensions to inmates of the United States Soldiers' Home in the District of Columbia; the provisions of the act of March 3, 1883, "prescribing regulations" for that institution, so far as the same are appropriate, being made applicable to the Naval Home.

Section 3 authorizes the Department to provide transportation to the Home for such indigent persons as may be authorized to enter the same, but are without means to pay for such transportation.

The list of petitioners received with said bill (S. 128) is herewith returned, also the bill.

Very respectfully,

W. C. WHITNEY,
*Secretary of the Navy.*

Hon. M. C. BUTLER,
*Committee on Naval Affairs, United States Senate.*

Your committee concurs with the views and conclusions expressed and set forth in this letter and recommend the passage of the following bill as a substitute for Senate bill 128:

A BILL for the relief of the inmates of the United States Naval Home.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Naval Asylum located at Philadelphia, Pennsylvania, shall hereafter be designated and known as the United States Naval Home.

SEC. 2. That any inmate of the United States Naval Home who is entitled to receive from the Government an invalid pension, or a pension for service in the Mexican war, and who has a child, wife, or parent living, shall, by filing with the proper pension agent a written direction to that effect, approved by the governor of the Home, have his pension, or any part of it, paid to such child, wife, or parent. The pensions of all who now are or shall hereafter become inmates of the Home, except such as shall be assigned as aforesaid, shall be paid to the pay-officer of the Home. The money thus derived shall be held by such pay-officer in trust for the pensioner to whom it would otherwise have been paid, and such part of it as shall not sooner have been paid to him shall be paid to him on his final discharge from the institution. The governor of the Home may, from time to time, direct the payment to any inmate of such part of his pension money as he may think best for his interest and consistent with the discipline and good order of the Home, but such pensioner shall not be entitled to demand or have the same so long as he remains an inmate of the Home. In case of the death of any pensioner, any pension money due him and remaining in the hands of the pay-officer of the Home shall be paid to his legal representatives, if demand is made within three years; otherwise the same shall belong to the Home.

SEC. 3. That transportation at Government expense may, under the direction of the Secretary of the Navy, be furnished to such persons authorized to enter the Naval Home as beneficiaries as shall be unable to pay for their transportation to the same.

SEC. 4. That all laws and parts of laws relating to the United States Naval Asylum now in force and not inconsistent with this act are continued in force, and such as are inconsistent herewith are to that extent repealed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1024.

# IN THE SENATE OF THE UNITED STATES.

APRIL 18, 1888.—Ordered to be printed.

Mr. SPOONER, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill H. R. 2068.]

*The Committee on Claims, to whom was referred the bill (H. R. 2068) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service, have considered the same, and respectfully report:*

That the bill referred to passed the House of Representatives at the present session of Congress. It was reported to that body from the House Committee on Claims, the report, which is adopted by this committee, being as follows:

That the claims named in this bill were presented to the Forty-ninth Congress in two bills (H. R. 3031 and 3034), the first sixteen provided for in this bill being included in bill H. R. 3034, Forty-ninth Congress, and the last six in said bill H. R. 3031.

The Committee on Claims, to which said bills were referred in the last Congress, made the following reports thereon, viz:

[H. R. No. 2271, Forty-ninth Congress, first session.]

*The Committee on Claims, to which was referred House bill 3034, having considered the same, submits the following report:*

The bill asks the payment of employés for services rendered by them over eight hours a day in the months of January, February, March, April and May, 1881, in the Chicago custom-house. The claimants number thirteen. The amount asked is $1,493.02.

This work seems to have been performed with the understanding that the laborers were to be paid for time they worked over eight hours each day. Pay-rolls were made out showing the amount due them. The following letter will explain the service:

CUSTOM-HOUSE, CHICAGO, ILL.,
*Collector's Office, February* 10, 1886.

SIR: Respectfully referring to Department reference under date of the 28th ultimo, upon the inclosed letter of Alex. J. Jones, clerk of the House Committee on Claims, I have the honor to return House bill 3039, introduced by Mr. Dunham, "authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service."

I have made certain changes in the names of the persons named to correspond with their oaths of office and their record upon the duplicate pay-rolls on file in this office.

The janitor of this building, who has had charge of the making of pay-rolls for the past five years, has furnished me with abstract statements from the pay-rolls, which show the number of hours worked by each named person, the date, and the amount due. The work performed was during the months of January, February, March, April, and May, 1881, under Chief-Engineer Morse, who during these months was engaged in making extensive change in the plant in the basement of this building, such as moving water-tanks, boilers, engines, etc. The changes were made under

the authority of the Department, but no extra help was authorized, because it was deemed best to employ the experienced men then at work on the plant and pay them for the extra time above the legal eight hours per diem. Their pay-rolls, forwarded to the Department for January, 1881, show the full time each man was employed during that month, and the compensation was extended for the full time. The Department decided to pay them only for the eight hours' work, and checks were sent for that part of their service, deducting the over-time. In preparing the pay-rolls for February, March, April, and May, the over-time was left out, and a separate pay-roll afterward sent to the Department, which covered only the over-time for the five months referred to. The employés did the work faithfully, with the understanding that they were to be paid, and though pay-rolls and affidavits have been forwarded to the Department several times for the use of Congress, the abstract prepared by the janitor is transmitted herewith. I would recommend that Congress make provision for the payment, as the men are all laboring men and need the amount due them.

I am, sir, very respectfully,

ANTHONY F. SEEBERGER,
*Collector of Customs.*

Hon. DANIEL MANNING,
*Secretary of the Treasury, Washington.*

The committee is of the opinion that the parties named in the bill should be paid the amounts claimed by them, in accordance with their contract.

Your committee recommends the following formal amendments:

In line 7, the middle initial in the name of Irwin should be "W," and not "M." In line 14, strike out the letter "W," in the name of the claimant, and insert in lieu thereof the letter "M." In line 26, strike out the word "Rogers," and insert in lieu thereof the word "Regan;" and when so amended the committee recommends that the bill do pass.

[H. R. 2268, Forty-ninth Congress, first session.]

*The Committee on Claims, to whom was referred House bill* 3031, *having considered the same, submit the following report:*

The letter of the collector of customs of Chicago fully explains the demands of the claimants. The letter is as follows:

CUSTOM-HOUSE, CHICAGO, ILL.,
*Collector's Office, February* 11, 1886.

SIR: Further replying to your reference E. H., under date of the 28th ultimo, I have the honor to inform the Department that House bill No. 3031 is defective in certain particulars, which I will endeavor to point out briefly as possible. The records of this office show that in April, 1881, the Department gave notice that the appropriation for the compensation of employés in this building was exhausted, and that they would receive no compensation until a deficiency bill could be passed by Congress, or until the new appropriation for the fiscal year commencing July 1, 1881, was available. Several vacancies occurred in the force necessary for the care of the building during the time when there were no funds available, and when nominations were submitted to the Department to fill such vacancies the Department declined to approve the nominations because it had no funds from which to pay for the service.

Mr. William Henry Smith, then collector and custodian, swore the new employés regularly and retained them in regular service, thinking their salary would be paid by the Department as soon as funds became available, and other employés were paid. All the employés in the building disposed of part (or all) of their salary due to banks and private parties in this city, and gave powers of attorney to said banks and persons to collect same when checks came for such payment. The checks came for all employés except Noble Hilliard, Anton Nieman, C. E. Putnam, E. C. McCune, James H. White, and F. G. Harlan, whose nominations were not approved, as aforesaid. They were afterward duly approved and drew their salary for July, 1881, and following months regularly the same as other employés, but have never received payment for their services during the months of April, May, and June, 1881.

The bill as drawn makes provision only for the part of the salary of Hilliard, Nieman, Putnam, and Harlan, which the Illinois Trust and Savings Bank advanced, and should be made to cover the full amount of the claim of the six employés named above. I transmit inclosed for the information of the Department true copies of the original pay-rolls on file at this office, which show the amounts due to be as follows:

Noble Hilliard:

| | |
|---|---|
| May | $43.50 |
| June | 39.00 |
| | $82.50 |

| | | |
|---|---|---|
| E. C. McCune: | | |
| April | $50.00 | |
| May | 50.00 | |
| June | 50.00 | |
| | | $150.00 |
| F. G. Harlan: | | |
| May | $48.39 | |
| June | 50.00 | |
| | | 98.39 |
| C. E. Putnam: | | |
| May | 14.51 | |
| June | 50.00 | |
| | | 64.51 |
| James H. White: | | |
| April | 45.00 | |
| May | 46.50 | |
| June | 45.00 | |
| | | 136.50 |
| Anton Nieman: | | |
| April | 39.00 | |
| May | 39.00 | |
| June | 39.00 | |
| | | 119.00 |
| Total | | 648.90 |

If the bill No. 3031 should pass it would only make provision for such money as was advanced to four of the six employés whose compensation was advanced by the Illinois Trust and Savings Bank. I have prepared and transmit herewith an amendment to such bill as will, I think, make proper provision for the six employés whom the Department has never paid for their services. The bill No. 3031 states that the money is due for "extra time," but it is for regular services rendered and unpaid for.

I cheerfully recommend the passage of the bill, and with the clause in the amendment offered "or their assigns," and if the checks for payment come through my hands I shall endeavor to protect the persons who have advanced the salary of the persons for parts of their "time."

I am, sir, very respectfully,

ANTHONY F. SEEBERGER,
*Collector.*

Hon. DANIEL MANNING,
*Secretary of the Treasury, Washington.*

Your committee are of the opinion that the parties named in the above letter should be paid the amounts due them for work performed in good faith. They rendered the service, the Government got the benefit of it. There is no reason why they should not be paid.

Your committee recommend the following amendment:

Strike out all after line 5 and insert in lieu thereof the following: "or their assigns the amounts hereinafter set forth: To Noble Hilliard, the sum of eighty-two dollars and fifty cents; Anton Nieman, one hundred and nineteen dollars; C. E. Putnam, sixty-four dollars and fifty-one cents; F. G. Harlan, ninety-eight dollars and thirty-nine cents; James H. White, one hundred and thirty-six dollars and fifty cents, and to E. C. McCune, one hundred and fifty dollars; the same being the amounts shown upon the orignal pay-rolls of the custom-house, Chicago, Ill., signed by the officers in charge, to be due said persons for services rendered in the said custom-house building"; and when so amended recommend that the bill do pass.

The committee adopt the conclusions contained in the foregoing report, and this bill (H. R. 2068) having been drawn so as to need no correction as to the names of the parties therein named, the committee report the same back with the recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1025.

IN THE SENATE OF THE UNITED STATES.

APRIL 18, 1888.—Ordered to be printed.

Mr. HARRIS, from the Committee on Finance, submitted the following

# REPORT:

[To accompany bill S. 1543.]

*The Committee on Finance, to which was referred the bill (S. 1543) for the relief of H. C. Rogers, has considered the same, and submits the following report:*

The facts of the case are as follows: The act of 1863, section 322, Revised Statutes, fixes the salary of Deputy Commissioner of Internal Revenue at $3,500 per annum.

H. C. Rogers was appointed Deputy Commissioner on the 1st December, 1871, and the salary of $3,500, as fixed by the act of 1863, was paid him annually up to 15th August, 1876.

The first clause of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, provides that—

> The following sums be, and the same are hereby, appropriated * * * *in full compensation for the service of the fiscal year ending June* 30, 1877, *for the objects hereinafter expressed.*

And by this bill the sum of $3,200 was appropriated for the payment of the salary of the Deputy Commissioner of Internal Revenue, instead of $3,500 as fixed by the act of 1863—the act of 1863 remaining in full force except so far as it was modified by the provisions of the appropriation bill above quoted.

And year by year from 1876 to December 31, 1886, when Mr. Rogers resigned, the appropriation bills contained the same provision, and appropriated the same amount ($3,200) for the payment of this salary.

This bill proposes to pay Mr. Rogers the difference between $3,500, the salary fixed by the act of 1863, and the $3,200 appropriated annually for the last ten years that he held the office.

These appropriation bills specifically providing "that *the sums appropriated shall be in full compensation* for the *service*," left the officer no alternative but to accept the sum appropriated as his salary or resign, and having accepted, and continued in the service under these acts, the committee sees no ground upon which it would be justified in recommending the allowance provided for in this bill.

It appears in the record that Mr. Rogers acted as Commissioner at different times, aggregating more than two years.

The committee is of opinion that that service was a legitimate incident to the office of deputy, and does not entitle him to compensation other than the salary of Deputy Commissioner.

The committee therefore reports the bill back, with the recommendation that it be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1026.

# IN THE SENATE OF THE UNITED STATES.

APRIL 18, 1888.—Ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 773.]

*The Committee on Claims, to whom was referred the bill (S. 773) for the relief of James E. Walter, respectfully report:*

That a bill for the relief of this claimant was favorably reported from the Senate Committee on Claims at the first session of the Forty-eighth Congress, and was again favorably reported by the said Claims Committee of the Forty-ninth Congress at its first session, during which it was passed by the Senate, but was not reached in the House of Representatives. Your committee adopt the report of said committee of the Forty-eighth Congress, and recommend the passage of the bill for the reasons set forth therein.

Said report is as follows:

On the 28th of February, 1880, a contract was entered into between Lieut. Col. Q. A. Gillmore, Corps of United States Engineers, of the one part, and James E. Walter, of Savannah, Ga., of the other part, for dredging in the harbor of Brunswick, Ga. The specifications attached to the contract contained the following:

"The material to be removed, believed to consist of sand, or sand and loam mixed in varying proportions, will be dumped at an average distance from the point of dredging not exceeding half a mile.

"With regard to the character of the material to be removed the bidder will be expected to decide for himself, and no allowance will be made for his want of information upon that point."

It appears that some examination of the material to be excavated had been made by Colonel Gillmore and by the agent of the contractor prior to the execution of the contract, and that both were satisfied that the character of such material was as stated in the specifications.

There is no doubt but that the bid of the contractor was based on the belief that only material of the character described in the specifications would be encountered. The dredging, however, developed a much harder material, described as a compact shell, sand, and clay formation, with a stratum of hard shell and clay rock, and much more expensive to remove than the material described in the specifications. The contract price for the excavation was 13¾ cents per cubic yard. The total quantity of material removed was 40,002 cubic yards, the minimum required by the contract. Of this quantity 4,000 yards were of soft material, and 36,002 yards were of a mixed material, the proportions of the latter being about one-third of the hard to two-thirds of the soft, or 12,000 yards of the former to 24,000 yards of the latter.

On the 6th of July, 1880, General Gillmore transmitted to the Chief of Engineers a report of S. L. Frémont, assistant engineer, with the following indorsement:

[First indorsement.]

UNITED STATES ENGINEER OFFICE,
*New York, July* 6, 1880.

Respectfully forwarded for the information of the Chief of Engineers.

I am in favor of aiding the contractor in any proper way in this matter. He did not bid on the hard material which has been found and no one suspected its exist-

ence. It can not be removed for less than 23 cents per cubic yard, and if he can be paid that I recommend that it be done. The price of the softer material to remain at 13¼ cents per cubic yard, as fixed by the present contract.

Q. A. GILLMORE,
*Lieutenant-Colonel of Engineers, Brevet Major-General.*

Thereupon General H. G. Wright, Chief of Engineers, transmitted the report to the Secretary of War, recommending that if it should be deemed admissible, in view of the provisions of the specifications hereinbefore quoted, to modify the contract, "that the officer in charge be authorized to enter into a modified contract which shall provide for such further payment for the harder material as may seem to him just and proper, not exceeding 23 cents per yard in all, the softer material to be paid for at 13¼ cents."

The matter was then referred first to the Judge-Advocate-General and then to the Attorney-General for their opinions as to whether or not the War Department could allow increased compensation or abrogate the contract and relet the work. The Judge-Advocate-General advised the Secretary of War that to agree to pay Walter an amount in excess of his agreement for the hard material removed by him would be practically to make a new contract with him, and was, therefore, unauthorized, and the Acting Attorney-General advised the Department that in his opinion neither the circumstances of the case nor the statutes relating to the letting, tenor, and execution of contracts permitted the adoption of either course, and that if in equity Mr. Walter was entitled to consideration Congress alone could administer equitable relief.

Your committee is of the opinion that the claimant is entitled to relief to the amount of the difference between 13¼ and 23 cents per cubic yard for 12,000 yards of excavation.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1027.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 4365.]

The Committee on Military Affairs, to whom this bill (H. R. 4365) to authorize the construction of an arsenal at Columbia, Tenn., was referred, having had the same under consideration, adopt the report (No. 1285) made by the House Committee on Military Affairs, and ask that the same do pass.

[House Report No. 1285, Fiftieth Congress, first session.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 4365) authorizing the construction of an arsenal for the manufacture of ordnance and ordnance stores for the use of the Government of the United States, at Columbia, Tenn., having had the same under consideration, beg leave to report:*

That pending the consideration of said bill by said committee, a proposition on behalf of said locality by the citizens thereof was submitted, "to convey to the Government, without cost to it, the necessary ground for such arsenal," and that thereafter this committee submitted said bill and proposition to the Assistant Secretary of War, soliciting his views thereon, who replied as follows:

WAR DEPARTMENT,
*Washington City, March 3, 1888.*

SIR: I have the honor to acknowledge the receipt of your letter of the 9th ultimo, inclosing for my views House bill 4365, Fiftieth Congress, first session, to authorize the construction of an arsenal at Columbia, Tenn., together with a letter addressed to you by Hon. W. C. Whitthorne containing certain propositions in relation to the subject-matter of the bill.

In reply I beg to invite attention to the remarks of the Chief of Ordnance contained in his report on this subject, dated the 18th ultimo, copy herewith:

"An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875, provided:

"And the Secretary of War is hereby directed to cause an examination to be made into the condition of the United States arsenals east of the Mississippi River, and report to the next Congress how many of the same can be sold without interfering with the necessities of the military service, together with an estimate of the amount that can probably be realized from the sale of each of the same whenever such sale shall be directed by Congress."

In pursuance of this act a board was appointed by the Secretary of War, who, after examination and consideration, reported and recommended as follows:

"The present absolute needs of the service demand, in the judgment of the board, all the manufacturing facilities of the Springfield Armory, Frankford, Watervliet, Watertown, and Fort Monroe arsenals, for the production of warlike stores, and the remaining ones, Kennebec, New York, Washington, Augusta, Indianapolis, and Al-

leghany, are required for their present uses, to wit, care and preservation, issue and receipt, and repair of ordnance and ordnance stores."

Of these arsenals, Fort Monroe Arsenal has been reduced to one of deposit merely, and Washington Arsenal has been transferred to the uses of the line of the Army.

At present the whole section from Augusta, Ga., to San Antonio, Tex., has no place for deposit of warlike stores. While the necessities of this section may not be urgent at this time, and while the conditions have changed in the last few years to a very wonderful extent, the extensive and rapid means of communication growing with the growth of the country, the establishment of an arsenal in this particular section deserves the consideration of Congress.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. LEVI MAISH,
*Of Committee on Military Affairs, House of Representatives.*"

The Secretary of War forwards with his reply the report of the Chief of Ordnance, U. S. Army (General Benét), made upon a reference of said bill to him by the Secretary, which is as follows:

ORDNANCE OFFICE, *Washington, February* 18, 1888.

Respectfully returned to the Secretary of War.

Columbia is located in the central basin in what is known as the garden of the State of Tennessee, and in close proximity to the marvelous wealth of iron and other materials that reach south into other States. The recent development of the mineral resources of this section of the country renders this an opportune time for the Government to make provision for the gradual utilization of these products. The manufacture of steel, that now enters so largely into all army and navy manufactures, follows as a consequence, and all these natural facilities and productions seem to point to this section as a proper one for the location of a Government establishment.

The Atlantic and Pacific coasts and the Mississippi Valley have each arsenal facilities for the manufacture, repair, storage, and distribution of war supplies, and it is well to take the first step towards supplying this want in this section, with its new conditions, capabilities, and importance. It being a great railroad center, this location is well fitted for such an establishment, it being in direct connection with the other portions of the country. As the citizens offer to donate all the land necessary, which should not be less than 50 acres and conveniently located for the purpose in view, I recommend the passage of this bill.

S. V. BENÉT,
*Brigadier-General, Chief of Ordnance.*

Columbia, the site of the proposed arsenal, is the center of one of the finest agricultural sections of the Union, and is a thriving, prosperous town of about 6,000 population; is a healthy location; in its hygienic history has been fortunate in its exemption and escape from any and all of the fatal epidemics.

The grand trunk line of the Louisville and Nashville Railroad, in its track from the Ohio River to its Pensacola, Mobile, and New Orleans connections, passes through this town. From Columbia southeast railway connection is made through the Nashville and Chattanooga Railroad with Chattanooga, and thence by railroad with the railways of Georgia and South Carolina; and from Columbia by the Nashville and Florence Railroad running southwest connection is to be made with the Tennessee River and the Memphis and Charleston Railroad. This road will early have connections making communication with the States of Mississippi and Arkansas a question of but a few hours.

Its location in respect to the supply of material for the manufacture and repair of all kinds of ordnance is equally fortunate. It is in close proximity to the western iron belt of Tennessee. It is from this region that the famed "Tennessee iron" is made. It is about equidistant from the Warrior coal-fields of Alabama, the Cumberland coal-fields of Tennessee, and those of southwestern Kentucky.

It is shown by the letter of the Secretary "that at present the whole section (of the Union) from Augusta, Ga., to San Antonio, Tex., has no place for deposit of warlike stores," and it is pertinently said by General Benét that—

"The recent development of the mineral resources of this section of the country renders this an opportune time for the Government to make provision for the gradual utilization of these products. The manufacture of steel, that now enters so largely into all army and navy manufactures, follows as a consequence, and all these natural facilities and productions seem to point to this section as a proper one for the location of a Government establishment.

"The Atlantic and Pacific coasts and the Mississippi Valley have each arsenal facilities for the manufacture, storage, and distribution of war supplies, and it is well to take the first step towards supplying this want in this section, with its new conditions, capabilities, and importance."

The committee concur in these views of the Secretary of War and the Chief of the Ordnance Bureau, and, suggesting that the bill be amended so as to conform thereto, they recommend first the following amendments:

In line 4 of the bill strike out the word "manufacture" and insert the following words, viz, "repair, storage, and distribution," and at end of section add the following words:

"*Provided*, That, without cost to the United States, a sufficient quantity of land, accepted as suitable and adequate for such arsenal by the Secretary of War (and not less than 50 acres), is conveyed in fee to the United States: *And provided further*, That exclusive jurisdiction over said land by the United States Government is ceded by the State of Tennessee."

Title to be amended so as to read:

"To authorize the construction of an arsenal for the repair, storage, and distribution of ordnance and ordnance stores for the use of the Government of the United States at Columbia, Tenn."

The bill being so amended, the committee recommend its passage.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1028.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1711.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1711) for the relief of Franklin W. McCauley, have had the same under consideration, and make the following report thereon:*

This bill was introduced to close the account of Franklin W. McCauley, late a first lieutenant in the Ninety-eighth Regiment Ohio Volunteers, by directing the accounting officers of the Treasury to credit him with the sum of $750, the amount of balance found against him in the settlement of his accounts in the Third Auditor's Office, February 16, 1883.

There is no proof whatever filed with the papers or presented to sustain the bill. It was before the Forty-ninth Congress, passed the House, and was referred to the Senate Committee on Military Affairs, which submitted a favorable report March 2, 1887, upon which there was no final action.

By reference to the House report it will be seen that the $750 is undeniably due to the Government; that the sum was paid over to Lieutenant McCauley by Capt. John H. Dickenson, acting quartermaster, and there is no official evidence of it ever having been properly disposed of or returned to the Government by McCauley.

No vouchers or other evidence have been produced, although he was called upon twice from the Treasury Department to do so. He has not even denied it himself, so far as the evidence goes, except in an indirect way through his attorney, who speaks only from a letter received by him.

He has even failed to make any affidavit to the fact of said $750 having been properly disposed of by him, and, as said House report shows, suit is now pending against him by the Government for this money, in which suit he may make any just defenses that he may have.

The committee recommend that the bill be not passed.

The House report, above referred to, is herewith filed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1029.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 2395.]

*The Committee on Military Affairs, to whom was referred the bill (S. 2395) authorizing the President to appoint and retire John C. Fremont as a major-general in the U. S. Army, have examined the same and report:*

The passage of this bill is recommended, and in making this recommendation your committee deem it unnecessary to attempt to bring within the limitations of a formal report merits and achievements which have passed into history and entitle General Fremont to a renown which is now beyond dispute and to a gratitude of the people of this country which no one now questions.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, April 4, 1888.*

*Statement of the military service of John C. Fremont, late of the U. S. Army, compiled from the records of this office.*

He was appointed second lieutenant Topographical Engineers, July 7, 1838; major of the battalion of California Volunteers from July 23 to October 27, 1846; lieutenant-colonel U. S. Mounted Rifles May 27, 1846.

He received the brevet of captain U. S. Army, July 31, 1844, "for gallant and highly meritorious services in two expeditions to the Rocky Mountains, the first of which terminated October 17, 1842; the second beyond those mountains, which terminated July 31, 1844."

He was engaged in exploration and surveys west of the Mississippi from July, 1838, to October, 1842; preparing his report and mapping his surveys at Washington, D. C., to February, 1843; on exploration and surveys west of the Mississippi to August, 1844; preparing his report thereon at Washington, D. C., to April, 1845; on exploration and surveys west of the Mississippi to July 23, 1846; commanding the battalion of California Volunteers, and a provisional battalion organized by himself, to (in addition thereto he was from September 2, 1846, military commandant of California, and from January 16, 1847, governor of that Territory) April 19, 1847.

He left California May 3, 1847, and arrived at Fort Leavenworth, Kans., August 22, 1847, in arrest, undergoing trial by general court-martial, and awaiting promulgation of proceedings thereof to February 17, 1848, when sentenced to be dismissed, which sentence was remitted and he was ordered to join his regiment (see General Orders 7, Adjutant-General's Office, February 17, 1848, copy herewith). He resigned March 15, 1848.

He was appointed major-general, U. S. Army, May 14, 1861, and commanded the Western Department from July 25 to November 19, 1861; unemployed to March 26, 1862; commanding the Mountain Department to June 28, 1862; unemployed to June 4, 1864, upon which date he resigned.

R. W. DRUM,
*Adjutant-General.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1030.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

## REPORT:

[Relative to bill H. R. 8962.]

*The Committee on Claims, to whom was referred the bill (H. R. 8962) for the relief of Anthony L. Woodson, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:*

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1031.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 7715.]

*The Committee on Pensions, to whom was referred the bill (H. R. 7715) granting a pension to Georgia A. Stricklett, have examined the same and report:*

The report of the House committee, which sets forth all the facts, is adopted as the report of your committee, and the passage of the bill is recommended.

### HOUSE REPORT.

Pleasant M. Stricklett was second lieutenant Company A, Forty-fifth Kentucky Infantry. Capt. Joseph W. Cottingham, captain of said company, testifies that while in the recruiting service in Lewis County, Ky., in company with said Lieutenant Stricklett, the latter was shot by a bushwhacker and very badly wounded with buckshot July 23, 1863. The said Cottingham was at the time riding beside said Stricklett, and was also wounded badly by the same discharge. The said Stricklett was so disabled as to do little duty with his company during the remainder of 1863. He was immediately removed to his father's house in Clarksburgh, where he remained during his entire convalescence, treated by Drs. Barber, Taylor, and Jones. He did not return to his command during all of this period, and was not treated by the regimental surgeon.

After his recovery said Stricklett joined his company and served out his time, and was honorably discharged. The said Cottingham applied for and received a pension for wounds received at the same time Stricklett was wounded. Stricklett did not apply for a pension.

Dr. L. A. Grimes testifies—

"That for twenty-one years he has been a regular practicing physician in Concord, Lewis County, Ky.; that he was for some time prior and at the time of said Lieutenant Stricklett's death his regular family physician, and was present when the said Stricklett died, July 21, 1873. The affiant, Grimes, made an examination of the body after death, and to the best of his knowledge the same was caused partially by epilepsy; that he had frequently expressed the opinion to said Stricklett and family that epilepsy would be the cause of his death, and advised him to arrange his worldly affairs, being of the opinion said Stricklett would not live long. The epilepsy was caused from said wound about the face and head received during his service during the war."

That is, from the wounds inflicted July 23, 1863, as detailed by Capt. Joseph W. Cottingham.

Dr. C. Honaker testifies that—

"He is a regular practicing physician; age, fifty-three [when testimony was given January 27, 1885]. Has practiced medicine twenty-five years. Knew said P. M. Stricklett prior to, during, and since the war. In 1868 said Stricklett applied to said Honaker for treatment. His disability was the development of confirmed epilepsy, which resisted all and any treatment affiant could give him, which grew worse day by day, month after month, until his mind was weakened and he was fast giving way

mentally and physically, and had he lived to die a natural death he certainly would have died an insane epileptic, for he was a mental and physical wreck at the time of his death."

The said Honaker gives as "his deliberate judgment the opinion that the epilepsy was due to one of the buckshot received, as described by Captain Cottingham, and that said epilepsy was inevitably fatal in the end, as he would have died an insane epileptic."

Georgia A. Stricklett, the widow of said Lieutenant Stricklett, applied for a pension, and filed her application April 21, 1883, alleging that while in service on July 23, 1863, her husband received a gunshot wound of the head and left cheek. The claim was rejected on the ground that the wound did not cause the soldier's death. The application of said widow is No. 303612. The proof is conclusive that the soldier was badly wounded while in the service, recruiting; that as soon as he recovered he returned to his company and served out his time, and the proof is clear that said wounds so received by said soldier while in the service caused an attack of epilepsy, from which he never recovered, and at the time of his death, by an accidental shot, said soldier was a mental and physical wreck and could have lived but a short time. Dr. Grimes, an eminent and honorable physician, testifies that he was the soldier's family physician, and was present at his death, and says that his death was caused partly by epilepsy.

Dr. Honaker, another eminent and celebrated physician, says that the soldier was a mental and physical wreck at and some time before his death, and that his death was inevitable in a short time from said attack of epilepsy.

Your committee are of the opinion that this is a very meritorious case, clearly made out. They therefore recommend the passage of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1032.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 6453.]

*The Committee on Pensions, to whom was referred the bill (H. R. 6453) granting a pension to George P. Stone, have examined the same and report:*

From the evidence in this case your committee concur in the conclusion arrived at in the report of the House committee, hereto appended, and recommend the passage of the bill.

## HOUSE REPORT.

The records of the War Department show that George P. Stone entered the military service of the United States on the 25th day of September, 1861, as a private in Company A, Ninth Regiment of Kentucky Volunteers, and was discharged therefrom on surgeon's certificate of disability on the 23d day of May, 1862, while in regimental hospital at Corinth, Miss. That he again entered the Army on the 17th day of September, 1863, as captain of Company C, Thirty-seventh Regiment of Kentucky Volunteers, from which he was honorably discharged on the 29th day of December, 1864, by reason of expiration of term of service.

The records of the Pension Office show that while he was serving in the last-named regiment, and while said command was stationed at Glasgow, Ky., in January, 1864, claimant had a severe attack of typhoid pneumonia; that before his complete recovery therefrom he was compelled to undergo some exposure incident to the service, which caused a relapse and resulting inflammatory rheumatism.

Dr. R. W. Haselwood, of Pitman, Taylor County, Ky., who was assistant surgeon of the regiment, swears:

"That he treated claimant for typhoid pneumonia in January, 1864, for two or three weeks; that he then went on duty, but was soon attacked with inflammatory rheumatism, for which affiant treated him during the remainder of his term of service; that he has a distinct recollection of this man, and makes this statement from personal knowledge."

Dr. F. M. Stone, of Fountain Run, Monroe County, Ky., states:

"That he is a brother of claimant, and visited him while he was sick at Glasgow, Ky., in January, 1864; that he had pneumonia, and has been hardly fit for anything since."

Charles A. McCue, of Flippin, Monroe County, Ky., who was a lieutenant in claimant's command, swears:

"That the claimant, at Glasgow, Ky., had an attack of pneumonia, fever, and rheumatism about January, 1864, and that the disability has continued ever since."

Dr. D. R. Haggard, of Burkesville, Cumberland County, Ky., swears:

"That in the winter of 1865, at the United States Hotel, Louisville, Ky., he treated the claimant for a severe attack of inflammatory rheumatism."

Dr. James R. Duncan, of Newton, Harvey County, Kans., who was surgeon of claimant's regiment, states:

"That so far as he knows claimant was physically sound at date of enlistment."

Dr. E. G. Williams, of Rocky Hill Station, Edmonson County, Ky., states:

"That he was well acquainted with the claimant, and knows that he was free from rheumatism and pneumonia when he entered the Army, and has heard him complain of rheumatism since his discharge."

W. P. Gibson and C. H. Austin, good reputable citizens of Fountain Run, Monroe County, Ky., and neighbors of claimant, state:

"That Captain Stone was apparently free from rheumatism and in good health at enlistment."

Dr. W. R. Shapard, United States examining surgeon at Scottsville, Allen County, Ky., made an official examinination of claimant, and states:

"That left lung by percussion reveals a dull sound over upper third. By auscultation a cracking sound, with labored breathing; heart beating rapidly. The joints of fingers and toes seem stiff."

The proof shows and claimant admits the existence of chorea prior to enlistment.

Claimant made application for a pension in the usual way on account of rheumatism and the effects of pneumonia, but the claim was rejected by the Pension Office on the ground that the alleged rheumatism, which was of a neuralgic character, existed prior to enlistment, and that it was due directly or indirectly to the chorea.

That claimant was free from rheumatism and lung trouble at the date of enlistment; that he had an attack of typhoid pneumonia and inflammatory rheumatism while in the service, from the effects of which he has suffered since his discharge, is abundantly proven by the proof above cited, and which is but a small portion of the evidence on file in the case; and why the Pension Office should see proper to reject the claim on the ground that the rheumatism was due directly or indirectly to the chorea is beyond the comprehension of this committee, for it is a well-known medical fact that these two diseases have no pathological connection whatever.

Your committee therefore submit a favorable report and recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1033.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. PALMER, from the Committee on Commerce, submitted the following

# REPORT:

[To accompany bill S. 1828.]

The Committee on Commerce, to whom was referred the bill (S. 1828) to provide for a light-house at Newport News, Middle Ground, Virginia, have had the same under consideration, and beg leave to report the same back with an amendment, and recommend that the amendment be concurred in and that the bill, so amended, do pass.

The communications of the Secretary of the Treasury and of the Light-House Board on the subject are submitted herewith.

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TREASURY DEPARTMENT, *March* 5, 1888.

SIR: I have the honor to acknowledge the receipt of letter of the Committee on Commerce, United States Senate, of the 27th ultimo, inclosing, for the views of this Department, Senate bill No. 1828, appropriating $35,000 for the establishment of a light-house at Newport News, Middle Ground, Virginia.

In reply, I have respectfully to transmit herewith a letter of the Light-House Board, of the 1st instant, stating that the establishment of the light in question is of the greatest importance to the interests of commerce and navigation, and that an item of $50,000 for the purpose is included in the annual estimates of the Board, which amount it is suggested be substituted for the sum named in the bill.

Respectfully, yours,

HUGH S. THOMPSON,
*Acting Secretary.*

Hon. WILLIAM P. FRYE,
*Chairman Committee on Commerce, United States Senate.*

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TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
*Washington, March* 1, 1888.

SIR: The Board has the honor to acknowledge the receipt of a letter dated February 27, 1888, from the Committee on Commerce of the United States Senate, which was referred by the Department to this office asking its views as to the necessity for the passage of two bills which it inclosed, and for any other information pertinent to the subject-matter of the bills.

Referring to so much of the letter as relates to Senate bill 1828, which appropriates $35,000 to establish a light-house at Newport News, Middle Ground, Va., the Board begs leave to say that at its session on February 23, 1887, it considered this matter, and reached the conclusion that, in view of the large and increasing traffic of deep draught vessels in these waters, that a light and fog signal ought to be established at or near Newport News, Middle Ground, Virginia.

Vessels are obliged to pass to the southward of the Middle Ground, which is a serious obstacle, particularly in dark and foggy nights. In its annual estimates (see page 166, Book of Estimates) it submitted an item of $50,000 for the establishment of the light in question.

It is therefore suggested that Senate bill 1828 be so amended as to provide for the appropriation of the last-named sum, rather than the amount named in the bill, as the latter is insufficient to accomplish the purpose desired.

A copy of the letter of the Senate Committee on Commerce, above referred to, and Senate bill 1828 are herewith inclosed.

Respectfully,

S. C. ROWAN,
*Vice-Admiral, U. S. Navy, Chairman.*

The SECRETARY OF THE TREASURY.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1034.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. PALMER, from the Committee on Commerce, submitted the following

# REPORT:

[To accompany bill S. 2457.]

The Committee on Commerce, to whom was referred the bill (S. 2457) to provide for the establishment of a light-house at or near Saint Joseph's Point, Florida, have had the same under consideration and beg leave to report it back without amendment, and recommend its passage.

The communication of the Light-House Board on the subject is submitted herewith.

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TREASURY DEPARTMENT, *April* 4, 1888.

SIR: I have the honor to acknowledge the receipt of letter of the Committee on Commerce of the Senate, dated the 30th ultimo, submitting, for the views of this Department, Senate bills No. 2457, for a light-house at or near Saint Joseph's Point, Florida, No. 2506, for a light-house, fog-signal, and day-beacon in the vicinity of Goose Rocks, Fox Island Thoroughfare, Maine, and No. 2517, for a light-ship at Bush's Bluff Shoal, Elizabeth River, Virginia.

In reply I have respectfully to transmit herewith letters of the Light-House Board of the 2d instant, expressing the opinion that the aids to navigation referred to above are required by the interests of commerce and navigation, and that the amounts specified in the above bills will be sufficient for their establishment.

Respectfully, yours,

C. S. FAIRCHILD,
*Secretary.*

Hon. WM. P. FRYE,
*Chairman Committee on Commerce, United States Senate.*

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TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
*Washington, April* 2, 1888.

SIR: The Board has the honor to acknowledge the receipt of a letter dated March 30, 1888, from the Committee on Commerce of the Senate, which was referred by the Department to this office, asking its views as to the necessity for the passage of four Senate bills, which it inclosed, and for any additional information pertinent to the subject-matter of the bills.

In reply to so much of the letter as relates to Senate bill 2457, appropriating $25,000 for the establishment of a light at Saint Joseph's Point, Fla., the Board has to say that it is of opinion that this light-house is necessary.

The fishing fleet on this coast is large. A southerly gale is calculated to drive these vessels upon a lee shore. The only harbor of refuge for some 60 miles is Saint Joseph's Bay. This is easily accessible in the day-time, but at night it is difficult of

entrance without a light. The Board is decidedly of opinion that it would be largely to the interests of the fishing fleet in particular, and the commerce and navigation of the Florida coast in general, that this light should be established.

The Board is of opinion that the amount named in the bill is sufficient for the construction of the light in question.

A copy of the bill and of the letter of the committee above mentioned are inclosed.

Respectfully, yours,

S. C. ROWAN,
*Vice-Admiral, U. S. Navy, Chairman.*

The SECRETARY OF THE TREASURY.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1035.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. PALMER, from the Committee on Commerce, submitted the following

## REPORT:

[To accompany bill S. 2517.]

The Committee on Commerce, to whom was referred the bill (S. 2517) for the establishment of a light-ship at Bush's Bluff Shoal, Elizabeth River, Virginia, have had the same under consideration, and beg leave to report it back, without amendment, and recommend its passage.

The communication of the Light-House Board on the subject is submitted herewith.

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TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
*Washington, April 2, 1888.*

SIR: The Board has the honor to acknowledge the receipt of a letter dated March 30, 1888, from the Committee on Commerce of the Senate, which was referred by the Department to this office, asking its views as to the necessity for the passage of four Senate bills, which it inclosed, and for any additional information pertinent to the subject-matter of the bills.

Referring to so much of the letter as relates to Senate bill 2517, appropriating $40,000, in addition to the amount already appropriated, for establishing a first-class light-ship with steam fog-signal and duplicate, on or near Bush's Bluff Shoal, Elizabeth River, Virginia, the Board begs leave to say that at its session on March 21, 1888, order was made that the proper steps be taken to have the amount appropriated for the establishment of a light-house at Bush's Bluff Shoal, Elizabeth River, Virginia, increased from $20,000 to $60,000, and made applicable to the establishment of a light-ship with a steam fog-signal and duplicate at that point.

The shoal is a great inconvenience as well as a positive danger to the commerce entering and leaving Norfolk and Newport News. Much time and pains are expended in keeping clear of the shoal, and, in spite of this, many vessels are caught upon it. A few days ago a large steamer, the *D. H. Miller*, from Boston, grounded there, and did not get off until the third day after, and then only with the help of three tugs and another large steamer. Several vessels belonging to the Navy have got ashore on this shoal. Several steamers of the Old Dominin Line have been ashore there some eight or ten times in the last five or six years. And the Board is informed that frequently schooners loaded with coal and drawing eighteen feet of water stick on this point. Statement has also been made to the Board that several foreign vessels have grounded on this shoal within late years.

The Board is of opinion that the amount named in the bill, in addition to $18,000, the amount appropriated and remaining unexpended to build a light-house on this shoal, will be sufficient to establish the light-ship in question.

A copy of the letter of the Senate Committee on Commerce and of the Senate bill 2517 are inclosed.

Respectfully, yours,

S. C. ROWAN,
*Vice-Admiral, U. S. Navy, Chairman.*

The SECRETARY OF THE TREASURY.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. PALMER, from the Committee on Commerce, submitted the following

## REPORT:

[To accompany bill S. 2398.]

The Committee on Commerce, to whom was referred the bill (S. 2398) to provide for a light-house at Holland's Island Bar, near the entrance to Kedge's Straits, in the Chesapeake Bay, Maryland, have had the same under consideration and beg leave to report it back without amendment and recommend its passage.

The communication of the Light-House Board on the subject is submitted herewith.

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TREASURY DEPARTMENT, *April* 9, 1888.

SIR: I have the honor to acknowledge the receipt of letter of the Committee on Commerce of the Senate, dated the 19th ultimo, inclosing, for the views of this Department, Senate bill No. 2398, providing for a light-house at Holland's Island Bar, near the entrance to Kedge's Straits, Chesapeake Bay, Maryland.

In reply, I have respectfully to transmit herewith a letter of the Light-House Board of the 6th instant, in which the opinion is expressed that the light referred to is required in the interests of commerce and navigation, and can be erected at a cost not to exceed the sum of $35,000 named in the bill.

Respectfully, yours,

HUGH S. THOMPSON,
*Acting Secretary.*

Hon. WILLIAM P. FRYE,
*Chairman Committee on Commerce, United States Senate.*

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TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
*Washington, April* 6, 1888.

SIR: The Board has the honor to acknowledge the receipt of a letter from the Committee on Commerce of the Senate, inclosing Senate bill 2398, to provide for a light-house at Holland's Island Bar, Kedge's Straits, Chesapeake Bay, Maryland, which was referred to this office for the views of the Board, and such suggestions touching the merits of the bill and the propriety of its passage as it may see fit to make.

In reply the Board has to say that Holland's Island Bar is a long and dangerous shoal. A light on its outer point would be an important guide for steamers and sailing vessels for a long distance both north and south of Kedge's Straits. It would also serve as a guide to the anchorage in Holland's Straits.

The Board, at its session on April 4, 1888, considered this matter and recommended the establishment of the light in question.

The Board is of the opinion that the light can be erected for $35,000, the amount named in the bill.

A copy of the letter of the Committee on Commerce of the United States Senate and of the bill in question are inclosed.

Respectfully, yours,

S. C. ROWAN,
*Vice-Admiral U. S. N., Chairman.*

The SECRETARY OF THE TREASURY.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1037.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 2461.]

The Committee on Military Affairs, to whom was referred the bill (S. 2461) entitled "A bill appropriating one hundred and fifty thousand dollars for quarters and barracks at the branches of the National Military Home for Disabled Volunteer Soldiers," have had the same under consideration, and report the bill back favorably and recommend its passage, amended, making the sum immediately available.

The bill asks this appropriation for the construction and equipment of additional quarters and barracks for the branch Homes at Hampton, Leavenworth, and Milwaukee. A knowledge of the number and condition of veterans entitled to admission to the Home, and the apparent pressing necessity for immediate relief, in order that the managers who are charged with the fulfillment of the patriotic trust imposed upon them may carry out the spirit and the letter of the law governing the Home and its branches, are the considerations which have arrested the attention of your committee. If the law is to be executed, its conditions extended to those who are entitled to enter the Home, and if the managers are to be permitted to execute the trust, relief must not only be extended but it must be immediate. The Government can not, in justice to itself and to its defenders, impose upon the Board of Managers a duty, and then fail to appropriate the money required to enable them to discharge the same.

In their report for the fiscal year ending June 30, 1887, the Board of Managers say—

> The barracks at the Northwestern, Southern, and Western Branches, appropriated for by Congress June 30, 1886, have been erected during the fiscal year, furnishing accommodations for about 1,000 men. Every bed in these additional barracks is now in use, and in every branch, unless it be the Western, men are now using the floor for beds.
>
> The average numbers of members present during the last five fiscal years are as follows:

| Year ending June 30— | |
|---|---|
| 1883 | 6,738 |
| 1884 | 7,494 |
| 1885 | 8,118 |
| 1886 | 8,758 |
| 1887 | 9,718 |

It appears, therefore, that the actual number present through the whole year has increased in five years 2,980, or 44 per cent.

* * * * * * *

The question, how long the membership of the Home will increase, still remains unsolved. Under the law every soldier who is disabled and who can not earn his living is entitled to admission to the Home, whether his disability can be traced to service in the Army or not. This law was enacted on July 5, 1884. During the past three years the number of those admitted on account of wounds received in action or disability incurred in service has materially fallen off. On the other hand, the number admitted on account of age and disability incurred since the war, has increased, so that the annual number of admissions continually increases. These causes of increase will continue as the soldiers grow older, and the membership of the Home must increase for an indeterminate series of years so long as Congress furnishes the means for such increase. The existing Branches of the Home are now filled to their utmost capacity, and, in the opinion of the Board, only one, or at most two, of them should be farther enlarged.

* * * * * * *

Congress at its last session appropriated $100,000 for the erection of a hospital at the Western Branch at Leavenworth, Kans., and $60,000 for the enlargement of the hospital of the Central Branch. These sums are now being expended for the construction of the buildings specified. The appropriation of $150,000, made June 30, 1886, has been expended with the view of making the new barracks virtually additions to the hospitals, so that the hospital accommodation is far greater than it was a year ago. But it still requires enlargement, and will continue to require.

In their report for 1886, the Board of Managers say:

It is apparent to the Board of Managers that the Home is gradually becoming a great hospital. The necessity for increased hospital accommodations is more urgent every year as the age and disabilities of the members increase. In all of the branches the hospitals are overcrowded, and men who ought to be in hospital have to be cared for in barracks not built nor arranged for sick men. There is much suffering caused by the inadequate hospital accommodation, which ought to be alleviated if possible. The increase in the ages of the men, the fact that their diseases become chronic as they grow older; that their diet must be different from those who can live in barracks; that in time they become bed-ridden; all these require that the hospital shall soon become the ruling feature of the Home.

In their report for 1887, the Board suggest several remedies—additional branches, enlargement of the present branches, aid to State homes, and out-door relief; but the present exigencies are such that none of these suggestions, if adopted, would meet the present requirements, the urgency of which are detailed by General William B. Franklin, of the Board, in the following letter, which your committee ask may be made a part of this, their report:

HARTFORD, CONN., *April* 16, 1888.

DEAR SIR: I respectfully call your attention to the necessity for the immediate appropriation for the erection of additional barracks at the Southern Branch at Hampton, Va., the Northwestern Branch at Milwaukee, and the Western Branch at Leavenworth. They are filled now to nearly their utmost capacity, and early in the fall the applications for admission will be overwhelming unless the bill be passed. During the inclement season of this fiscal year several hundred men have been kept out for want of room. For the next year not only these men, but all those who make application in the coming fall must be kept out unless this appropriation be made, and made soon. The applications of more than a thousand disabled veterans entitled to admission to the Home during the next fiscal year must be denied unless additional barracks be furnished.

General Hawley and yourself witnessed last week the condition of the Southern Branch of the Home, and have doubtless formed an opinion of its crowded state. I think that the humane motives that naturally actuate men who see the distress occasioned by the inability of the Board to care for the disabled old soldiers when an appeal is made to them should insure the immediate passage of the bill.

This bill is supplemental to that for aid to State homes, and its passage is required to bridge over the space of time between the date of passage of that bill and the time when the aid to the State homes will be felt by the National Home. That space must be at least a year.

The Board of Managers, as trustees of the Home, desires to execute its trust thoroughly, and although the presentation of the needs of the Home may be considered as an exe-

cution of the trust in this regard, and its insistence may be regarded as too pertinacious, the necessity of the case is so great, the needs of the disabled men so urgent, it has, at the risk of being considered a lobbyist, brought the attention of members of Congress to this subject at all times, and now reiterates its appeal.

Respectfully, yours,

W. B. FRANKLIN,
*President Board Managers.*

Hon. CHARLES F. MANDERSON,
*United States Senator.*

Your committee do not feel that they can add anything to the force of these suggestions calculated to show the necessity for the passage of the bill as amended.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, submitted the following

# REPORT:

[To accompany bill S. 349.]

The Committee on Public Buildings and Grounds, to whom was referred Senate bill 349, have considered the same and recommend that as amended it do pass.

The committee adopt the report made on a similar bill in the House of Representatives, as follows:

[House Report No. 664, Fiftieth Congress, first session.]

Akron is situated in the central part of Summit County, which is a little north of east from the center of Ohio.

The city is located on the Cleveland, Akron and Columbus Railroad; the Valley Railroad; New York, Pennsylvania and Ohio; the Erie Railroad; Pittsburgh and Western Railroad, and the New York, Lake Erie and Western Railroad.

It is built on the highest ground in the county, has 30,000 inhabitants, and is a thriving center of commercial activity.

## MANUFACTURING.

Akron is a manufacturing city, having about sixty incorporated companies, with a capital stock of its several companies ranging from $5,000 to $3,000,000.

The goods manufactured here consist of hard and soft rubber goods, matches, wagons, carriages, machinery of all kinds, mowers and reapers, mower and reaper knives, twine and cordage, paper bags, paper, straw board, sewer-pipe, stoneware, car-axles, starch, monumental work in granite and in marble, wooden-ware, varnish, cigars, boots and shoes, furniture, harnesses and saddles, brooms, soap, fire-brick, beer, wagon-springs, manufactured iron, stoves and furnaces, flour and oatmeal by several companies, one being the largest oatmeal milling company in the world.

The city has 5 national banks and banking institutions, 8 newspapers, a college, attended by 400 students annually; large wholesale houses, handling wooden ware, groceries, glassware, hardware, stationery, general merchandise, dry goods, and furs; several large establishments for printing and engraving and lithographing. It is also the shipping station for the large bituminous coal-fields contiguous thereto. By reason of its manufacturing interests and commercial enterprises connected therewith this city has a larger mail in proportion to its population than any other city in Ohio.

## THE POST-OFFICE.

The post-office is unsuitable, insufficient, and insecure, and the Government, for the rental which it is obliged to pay, does not realize such accommodations as the nature and extent of its business in this place seem to require, nor is the post-office sufficiently commodious to well serve the public.

It is not at this time, nor does it appear that it will soon be, possible, at a greater or even at any rate of rent, to secure suitable quarters for a post-office in Akron without a public building for that purpose.

The Akron post-office, for the fiscal year 1887, sold $38,104.34 worth of stamps, and yielded the Government a net revenue of $23,853.77, or a sum sufficient in four years to meet the entire appropriation for the public building contemplated in this bill.

INTERNAL REVENUE.

From the number and variety of the manufacturing establishments in this city and the goods manufactured the Government derives annually a large internal revenue, which, aside from the post-office revenue, in a few years would be equal to the cost of a public building.

The population of Akron is rapidly increasing, and its industries and importance are daily advancing.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1039.

# IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1888.—Ordered to be printed.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill S. 1864.]

The Committee on Public Buildings and Grounds, to whom was referred Senate bill 1864, have considered the same and recommend that it do pass without amendment.

The committee submit the following in explanation of the bill:

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
*Washington, March 23, 1888.*

SIR: In response to a communication from the clerk of the Committee on Public Buildings and Grounds, inclosing Senate bill No. 1864, providing for the erection of a public building at San Diego, Cal., I have the honor to transmit copy of a communication to the postmaster of that city, containing the information requested.

Respectfully, yours,

WILL. A. FRERET,
*Supervising Architect.*

Hon. LELAND STANFORD,
*Chairman Committee Public Buildings and Grounds, United States Senate.*

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TREASURY DEPARTMENT,
OFFICE OF SUPERVISING ARCHITECT,
*Washington, D. C., January 24, 1888.*

SIR: A bill has been recently introduced in Congress to authorize the construction of a building for the accommodation of the post-office, customs, and revenue service, etc., in your city.

This Department is desirous of obtaining full information as to the necessity for the construction of such a building, and for this purpose will be greatly obliged if you will carefully answer the following questions:

(1) What amount of floor space, in square feet, does your office at present occupy?—A. Three thousand.

(2) Is this space sufficient for the present business? If not, what amount of additional space is required?—A. Five thousand.

(3) To what extent has the postal business in your city increased in value in the last ten years, and what is the prospect of further growth in the next ten years?—A. In ten years it has increased from almost nothing to about $32,000 for last year, and this year's receipts will doubtless be over $60,000.

(4) What is the number of employés in your office?—A. Eighteen.

(5) What is the amount of annual rent paid for premises occupied, and to what extent, if any, is this charge likely to increase in the next ten years?—A. Rent is very high, but the Government now gets building free.

(6) What other Federal offices are located in your city? If any, name them in detail, and furnish similar information as to them severally, as is requested above in respect to the postal business.—A. Collector of customs. Business increasing proportionally with the post-office.

(7) What, in your judgment, would be the probable cost of a suitable site, centrally located, for the said building?—A. Twenty-five thousand dollars.

Your prompt and careful reply to the above inquiries will be greatly appreciated.

Respectfully, yours,

WILL. A. FRERET,
*Supervising Architect.*

POSTMASTER, SAN DIEGO, CAL.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1040.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1377.]

The Committee on Military Affairs, to whom was referred the bill (S. 1377) to pay a balance of $170, claimed to be due Henry Pickett, a teamster in Washington City, for the years 1862 to 1865, inclusive, report adversely to the claim, and say that the matter was referred to the War Department for information.

The correspondence with this Department, herewith appended, fails to verify the claim, and shows the following facts: That there were at the time numbers of colored women and children called "contrabands," and many sick colored men, without means to be taken care of, had congregated in Washington. To aid in the necessary care colored teamsters from among them were hired, and $5 per month retained out of compensation set apart for them as a fund to aid in taking care of their unfortunate associates.

It is clear from the orders of the Secretary of War in this regard (copy here filed) that this was known at the time of such employment and acquiesced in by those thus employed; and if said teamster, Henry Pickett, was thus employed at $25 per month, it was with the understanding that $5 should be retained each month out of that amount for the aforesaid purpose; and that this was as much a part of the contract, if such existed in this case, as any other part.

It has, moreover, been twenty-three years since it is claimed the service was rendered.

This long lapse of time, and the failure to find in the War Department evidence to sustain the claim, adds to the reason for an adverse report.

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WAR DEPARTMENT,
*Washington City, April 9, 1888.*

SIR: In reply to your request of the 29th ultimo for information upon Senate bill 1377, Fiftieth Congress, first session, for the relief of Henry Pickett, late a teamster in the service of the Quartermaster's Department, I have the honor to inclose a report of the 5th instant on the subject from the Quartermaster-General, and its accompanying copy of Department letter of September 27, 1862, referred to therein.

The inclosure contained in your letter is herewith returned as requested.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
*Secretary of War.*

Hon. J. R. HAWLEY,
*Chairman Committee on Military Affairs, United States Senate.*

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
*Washington, D. C., April* 5, 1888.

SIR: I have the honor to return the communication of the clerk of the Senate military committee, dated March 29, 1888, inclosing Senate bill 1377, authorizing the Secretary of the Treasury to pay to Henry Pickett the sum of $170, being in full for services rendered as teamster in the Quartermaster's Department during the years from 1862 to 1865, inclusive, which has been referred to this office for report.

Accompanying the bill is an original affidavit of Madison Jackson and Farley Thornton, who allege that the sum of $5 monthly was deducted from the petitioner's wages as a tax for the support of contrabands, which was without authority of law, and which deponents think was used unlawfully, etc.

As it is not stated in the papers where and under what officers of the Quartermaster's Department the claimant was employed, it has been impracticable for this office to verify the statements of the witnesses as to his service during the time stated.

It is probable, however, that he was one among a large number of colored men employed at or in the vicinity of Washington, during the war, from whose wages a tax was collected, as stated in the affidavit, for the following mentioned reasons:

On September 27, 1862, the Adjutant-General of the Army addressed a letter to the Quartermaster-General, stating that the Secretary of War was informed that a large number of colored men were employed in this District and in Alexandria as teamsters and laborers, at the rate of $25 per month and a ration to the former, and $20 and a ration to the latter. (Copy of letter inclosed.)

That in view of the fact that the Government was supporting several hundred women and children of the same class who were unable to find employment, and also furnished medical care, support, and attendance to the sick and helpless, the Secretary directed that $5 per month be deducted from the pay of these colored teamsters and laborers, to be paid over to a commissioner to be appointed by the Secretary of War, who would expend the fund thus accruing for the benefit of the women and children, and as a hospital fund for the sick among the men from whom it was derived.

The orders of the Secretary of War were communicated by the Quartermaster-General to Col. H. D. Rucker, the chief quartermaster in this city, and Col. Rufus Ingalls, chief quartermaster Army of the Potomac, with instructions to give the necessary directions for carrying the order into effect.

It appears that this contraband tax of $5 per month was collected by the officers of the Quartermaster's Department, under the above-mentioned instructions, until January 5, 1864, when, by order of the Secretary of War, it was discontinued in the case of those who received $20 or less per month as wages.

The fund reserved from the wages of these colored teamsters and laborers was, by authority of the Secretary of War of June 25, 1863, transferred to Lieut. Col. E. M. Greene, chief quartermaster, Department of Washington, for the purpose of purchasing clothing and other necessaries for these persons, and was expended by officers of the Quartermaster's Department for the object stated until September 15, 1865, when, under act of Congress approved March 3, 1865, all funds collected for the benefit of refugees or freedmen were ordered to be transferred to the Bureau of Refugees, Freedmen and Abandoned Lands, by whose officers it was thereafter expended.

The question of the expediency of remitting this tax was raised during the war, but as the measure was then considered by the Quartermaster-General and the Secretary of War to be wise, prudent, and just to the colored persons, and had accomplished much good, it was decided not to remit the tax except in case of those who received $20 or less per month.

In the Annual Report of the Quartermaster-General for the fiscal year ending June 30, 1864, page 23, reference is made to this subject.

I am, very respectfully, your obedient servant,

S. B. HOLABIRD,
*Quartermaster-General, U. S. Army.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, D. C., September* 27, 1862.

SIR: The Secretary of War is informed that a large number of colored men are employed in this district and in Alexandria, as teamsters and laborers, at the rate of $25 per month and a ration to the former, and $20 and a ration to the latter. In view of the fact that the Government is supporting several hundred women and children of the same class, who are unable to find employment, and also furnishes medical care, support, and attendance to the sick and helpless, the Secretary directs that you cause $5 per month to be deducted from the pay of the said colored teamsters and laborers

in the Quartermaster's Department, to be paid over to a commissioner, who will be appointed by the Secretary of War, and who will expend the fund thus accruing for the benefit of women and children and as a hospital fund for the sick among the men from whom it is derived.

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
*Adjutant-General.*

Brigadier-General MEIGS,
*Quartermaster-General, U. S. Army.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1041.

IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Post-Offices and Post-Roads, submitted the following

# REPORT:

[To accompany bill S. 68.]

*The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 68) for the relief of James H. Smith, late postmaster at Memphis, Tenn., have had the same under consideration and respectfully report:*

That it appears from the evidence filed in this case that James H. Smith was postmaster at Memphis, Tenn., in the years 1882 and 1883, during which time he expended $407.82 more for gas in lighting the post-office building than the Post-Office Department felt at liberty to allow, "for the reason that the appropriation at its disposal for that purpose would not warrant the approval of the entire sum expended." Hence this sum of $407.82 was suspended.

The large expenditure for lights at that time is clearly shown to have been a matter of necessity. Several of the principal rooms in the building then rented for the use of the post-office at Memphis were so shut out from the light of day that it was absolutely essential for the conduct of public business for them to be artificially lighted both day and night. The vouchers for this expenditure are furnished and satisfactorily sustained.

The Department has given the committee the assurance that, "in view of the facts shown, the claim is an equitable one," and, so believing, your committee recommend the passage of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1042.

IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. HARRIS, from the Committee on the District of Columbia, submitted the following

# REPORT:

[To accompany bill S. 1092.]

*The Committee on the District of Columbia, to whom was referred the bill (S. 1092) for the relief of St. Vincent's Orphan Asylum, in the District of Columbia, have examined the same, and report as follows:*

That the assessment sought to be revised by the bill was made April 28, 1871, for special improvements in front of lots 24 and 26, in square 733, the property of St. Vincent's Orphan Asylum.

That, according to reports of the officers of the District government, all the assessments of April 28, 1871, with the exception of the one against the property of this asylum (because upon the wrong book), were revised under the provisions of law by reducing them to one-third their amount.

That the law which governed the assessment for this work required that the cost of such work should be assessed in a reasonable proportion, not exceeding one-third of such cost, upon the property adjoining and to be specially benefited thereby; that this statute was overlooked or disregarded in making certain special assessments; that in these cases the entire cost of the work was charged against the abutting property, and that subsequently the Commissioners decided that the law was applicable to these cases also, and they directed a reduction of the same to one-third of the cost of the work.

In view of this law and the action of the Commissioners thereunder, the committee is of opinion that the bill should be of a general character, and therefore recommend its passage, with amendment in the nature of a substitute.

The committee submits the following letter from the Commissioners of the District.

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
*Washington, April* 21, 1888.

SIR: The Commissioners have the honor to return herewith the draught of a bill "For the relief of certain property in the District of Columbia," which was referred to this office at your instance for an approximate estimate of the amount that would be involved by its enactment.

If the bill should become law it will cause the issue of draw-back certificates as follows:

| | | |
|---|---|---|
| To holders of unpaid liens, plus interest thereon | | $7,551.82 |
| To property owners, for excessive payments | $20,929.26 | |
| Excessive interest paid on excessive amount, estimated | 6,000.00 | |
| | | 26,929.26 |
| Total | | 34,481.08 |

Very respectfully,

W. B. WEBB,
*President.*

Hon. JOHN J. INGALLS,
*Chairman Committee for District of Columbia, United States Senate.*

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OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
*Washington, February* 21, 1888.

SIR: The Commissioners have the honor to make the following response to your request of the 18th instant for their opinion as to the propriety of the legislation proposed by Senate bill 1092.

The law which governed the making of special assessments when the work for which this assessment was made was done, required that the cost of such work should be assessed in a reasonable proportion, not exceeding one third of such cost, upon the property adjoining and to be specially benefited thereby. This statute was overlooked or disregarded in the making of certain special assessments. In these cases the *entire* cost of the work was charged against the abutting property. Subsequently the Commissioners decided that the law was applicable to these cases also, and they directed a reduction of the same to one-third of the cost of the work.

Most of these assessments were accordingly so reduced. Among them were a few respecting which there appears to have been a doubt, as they did not participate in that relief. But the Commissioners know of no reasonable grounds for such a discrimination. The case of St. Vincent's Orphan Asylum belongs to the latter class.

Should your committee decide that this is a proper case for the relief contemplated by the bill under consideration, the measure should be made applicable to all of the class to which it belongs. To facilitate such action, if found desirable by your committee, the Commissioners have prepared and take the liberty herewith to submit a draught of bill designed to accomplish that object, and to protect the holders of lien certificates based on such assessments from loss by the consequent impairment of their security.

The Commissioners have made a like response on the same subject to the chairman of the Committee for the District of Columbia of the House, in reply to his request for their opinion in the premises.

Very respectfully,

W. B. WEBB,
*President.*

Hon. J. J. INGALLS,
*Chairman Committee for the District of Columbia, United States Senate.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1043.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 314.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 314) authorizing the Secretary of War to place the name of James L. Henderson on the roll of Company B, Sixteenth Kentucky Volunteers, submit the following report:*

By an examination of the papers in the case your committee find the facts stated in the report of the Committee on Military Affairs of the House, made at the present session, to be correct, and adopt said report, which is as follows:

*The Committee on Military Affairs, to whom was referred the bill (H. R. 314) authorizing the Secretary of War to place the name of James L. Henderson on the roll of Company B, Sixteenth Regiment Kentucky Volunteers, beg leave to make the following report:*

The records of the War Department show that the said Henderson was never mustered into the service of the United States, but the records of No. 4, General Hospital, at Paducah, Ky., show that James L. Henderson, a private in Company B, Sixteenth Kentucky Volunteers, was admitted to that hospital February 18, 1864, and was treated for typhoid pneumonia, and died February 19 or 20 of typhoid-malarial fever.

W. A. Walston, guardian of Henderson's minor children, testifies that "Henderson enlisted in Company B, Sixteenth Kentucky Volunteers, December 30, 1863, and died at Paducah February 28, 1864, of small-pox, before his company was mustered in." John E. Williams, late captain of Company B, Sixteenth Kentucky Volunteers, testifies that he "personally remembers James L. Henderson, who was a soldier in said company; that—

"Henderson enlisted December 30, 1863, at Paducah, Ky., for three years, and died at Paducah, Ky., February 28, 1864, of small-pox, which disease he contracted in the line of duty, and was never mustered in, as, when company was mustered in, March 17, 1864, said soldier was dead; that, further, his officers then had the mistaken idea that those of company who were dead when said muster-in took place should be dropped from the rolls, and this was done in Henderson's case, and his name is not, therefore, found on rolls of the Army."

The records of the War Department show that company B, Sixteenth Kentucky Volunteers, was mustered into the military service of the United States March 17, 1864.

The evidence in this case clearly shows that the said James L. Henderson did enlist in good faith for three years; that he died of disease contracted in the line of duty; and that he died before the company of which he was a member was mustered into the military service of the United States; that owing to a lack of knowledge on the part of his company officers his name was not borne on the rolls at the time of the muster of his company.

In view of the facts in this case your committee are of the opinion that the relief asked for should be granted, and they therefore recommend that the bill do pass.

The bill passed the House of Representatives on March 17 of this year.

Your committee report back the bill and recommend its passage.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1044.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 2161.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 2161) for the relief of Thomas J. Taylor, submit the following report:*

The evidence in this case fully substantiates the facts stated in the report of the Committee on War Claims of the House of Representatives made in this case at the present session, which report is adopted by your committee, and reads as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2161) for the relief of Thomas J. Taylor, have had the same under consideration, and recommend that the same be amended so as to allow the said Taylor the sum of $861; and, when so amended, they recommend its passage.

This claim is for military services rendered by Thomas J. Taylor as a scout in the Army of the Union in the late war of the rebellion.

The proof accompanying the bill establishes the justice thereof beyond all reasonable doubt, and is as follows, to wit:

(1) The affidavit of Thomas J. Taylor, the claimant.

(2) The affidavit of Acting General M. M. Bane, under whom a part of the services were rendered.

(3) The affidavit of Maj. Charles C. Davis and of General John C. Starkweather, all officers of the United States, under whom said Taylor rendered the services for the payment of which said bill is introduced, all clearly and fully establishing said services.

(4) Various passes given said Taylor by said officers during the time said services were being rendered, which were of a very arduous and dangerous character.

The bill under consideration passed the House of Representatives on March 3 of this year, and your committee recommend its passage.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1045.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 2434.]

*The Committee on Military Affairs, to whom was referred the bill (S. 2434) for the relief of John P. T. Davis, submit the following report:*

The records of the War Department show that John P. T. Davis was mustered into service as second lieutenant with Company H, Fifty-second Indiana Volunteers, February 1, 1862, and dismissed the service to date November 6, 1862, by sentence of general court-martial promulgated in General Orders No. 10, November 26, 1862, headquarters Thirteenth Army Corps, Department of the Tennessee. The disability to re-enter the service which rested upon Mr. Davis, by reason of his dismissal, was removed upon the petition of Dr. Samuel Davis, of New Trenton, Franklin County, Ind. The petition was submitted to the Department December 18, 1865, by the Hon. John H. Farquhar, M. C., and the action taken thereon was communicated to him by letter dated January 15, 1866, of which the following is a copy:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, January* 15, 1866.

SIR: I have the honor to acknowledge the receipt of petition from Dr. Samuel Davis, of New Trenton, Franklin County, Ind., praying that the findings and sentence of general court-martial promulgated in General Orders No. 11, November 26, 1862, from headquarters Department of the Tennessee, which dismissed from service Second Lieutenant John P. T. Davis, Fifty-second Indiana Volunteers, may be set aside and he honorably mustered out, submitted by you to this Department the 18th ultimo.

In reply, I am instructed to inform you that as an executed sentence of a general court-martial can not be set aside, all the relief that can be afforded is to remove the disability resulting from said dismissal, which has been done by letter of this date to his excellency, the governor of Indiana.

He is, therefore, authorized to re-enter the service as a commissioned officer, provided he is recommissioned.

I am, sir, very respectfully, your obedient servant,

THOMAS M. VINCENT,
*Assistant Adjutant-General.*

HON. JOHN H. FARQUHAR, M. C.,
*Washington, D. C.*

There was no evidence furnished to your committee which would warrant the passage of a bill to set aside the judgment of a court-martial in the case under consideration. The charge upon which Davis was convicted was that he was absent from his company and regiment while

on detached service at Fulton, Tenn., on September 19, 1862, and remained so absent until October 4 of the same year. It is possible that he had some satisfactory excuse which he was unable to make to the court-martial on account of absence of witnesses or other reasons which would have secured an acquittal, and there may have been circumstances in his case mitigating the offense or excusing his absence, but no evidence of that character has been furnished to your committee.

Under these circumstances your committee are of opinion that the removal of the disabilities resulting from Davis's dismissal from service by the War Department in 1866 was an act of grace which ought to satisfy the applicant unless he has contrary reasons which have not been presented to your committee.

The committee therefore report back the bill with the recommendation that it be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1046.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1501.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1501) for the relief of James Downing, submit the following report:*

The claimant was discharged as sergeant, Company M, First Massachusetts Heavy Artillery Volunteers, at Fort Bunker Hill, D. C., August 7, 1865, and joined for duty and was mustered into service as a second lieutenant, Thirty-sixth United States Colored Troops, at Brazos Santiago, Tex., September 18, 1865. He was appointed to the latter position on August 2, 1865, and accepted August 7, 1865.

The bill under consideration was introduced for the purpose of allowing the claimant the pay of a second lieutenant of infantry from August 7, 1865, to September 18, 1865, being the time he was traveling under orders from the Secretary of War, prior to muster, to join his regiment.

Your committee are of opinion that as Downing performed no services during this period he is not entitled to pay under existing laws. No special reasons are assigned why he should be treated different from other officers who have been compelled to accept payment according to the provisions of the laws and not otherwise.

Your committee see no reason why a special exception should be made in favor of the claimant.

For particulars as to the facts in this case we attach the accompanying letter from the Adjutant-General to the Secretary of War as a part of this report.

The committee recommend the indefinite postponement of the bill.

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WAR DEPARTMENT, ADJUTANT'S-GENERAL'S OFFICE,
*Washington, April* 17, 1888.

SIR: I have the honor to return herewith Senate bill No. 1501, Fiftieth Congress, first session, for the relief of James Downing, late of the Thirty-sixth United States Colored Troops, referred by Senate Committee on Military Affairs, with request to be furnished with information relative thereto, and to report as follows:

James Downing was discharged as sergeant Company M, First Massachusetts Heavy Artillery Volunteers, at Fort Bunker Hill, D. C., August 7, 1865, and joined for duty and was mustered into service as a second lieutenant Thirty-sixth United States Colored Troops, at Brazos Santiago, Tex., September 18, 1865.

He was appointed second lieutenant Thirty-sixth United States Colored Troops, August 2, 1865; accepted August 7, 1865.

The following remarks appear on his muster-in roll as second lieutenant: "Dis-

charged as sergeant Company M, First Regiment Massachusetts Heavy Artillery, by Special Order No. 191, dated Washington, D. C., August 7, 1865. Appointed vice E. W. Wheeler, promoted."

Regimental return of the Thirty-sixth United States Colored Troops for the month of October, 1865 (first upon which his name appears), reports him second lieutenant Company I, present, without remark.

He was mustered out of service as second lieutenant with his company October 28, 1866.

A numerical vacancy occurred for second lieutenant in Company I, Thirty-sixth United States Colored Troops, September 4, 1865, by the promotion of Second Lieut. E. W. Wheeler to first lieutenant same company; but from September 4, 1865, to September 12, 1865, said company was below the minimum number and not entitled, under the provisions of the act approved March 3, 1863, and War Department General Order No. 182 of 1863 based thereon, to an officer of the grade of second lieutenant from September 12, 1865, to September 18, 1865, a legal vacancy existed.

In 1884 the application of Mr. Downing for recognition, under the provisions of the act approved June 3, 1884, as a second lieutenant Thirty-sixth United States Colored Troops, from August 7, 1865, to September 18, 1865, was rejected by this office for the reason that he rendered no service as an officer prior to the date he actually joined his regiment under his appointment.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1047.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1460.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1460) for the relief of Walter D. Plowden, submit the following report:*

Walter D. Plowden, the person for whose benefit the bill under consideration was introduced, was employed as a scout and spy in the war of the rebellion under Generals Hunter, Mitchell, Saxton, Gillmore, and others for about four years, from 1862 to 1865. He received no pay for his services, except rations, transportation, and the like. His services were very valuable to the Government, and his conduct was exceedingly gallant and meritorious.

His claim for pay for these services was presented to the House of Representatives in the last session of the Fortieth Congress, and a favorable report was made thereon by Mr. Bingham, of Ohio, in which is recited the very meritorious services performed by the claimant. Upon this report a bill passed the House awarding to the claimant $1,000 for his services. The bill was referred to the Committee on Military Affairs of the Senate, of which Mr. Wilson, of Massachusetts, was chairman. Mr. Wilson reported the bill back from his committee without amendment, and it passed the Senate February 24, 1869, and became a law March 1 of that year.

Some discussion took place in the Senate on the passage of the bill as to the amount allowed the claimant. Mr. Pomeroy, of Kansas, declared that the allowance was altogether inadequate for the services rendered, as shown by the report of the committee. As Mr. Wilson reported no amendment to the House bill increasing the amount, it is fair to presume that the committees of the two houses considered $1,000 a reasonable compensation for the services rendered.

Your committee do not feel called upon to re-open the case for the purpose of making a further allowance, but if it were an original question, upon the facts in the possession of your committee they would award the claimant a larger sum than has already been paid him, but, as the case has been disposed of by Congress, your committee report back the bill with the recommendation that it be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1048.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. PALMER, from the Committee on Commerce, submitted the following

## REPORT:

[To accompany bill H. R. 1540.]

The Committee on Commerce, to whom was referred the bill (H. R. 1540) to establish a port of delivery at Grand Rapids, Mich., having had the same under consideration, beg leave to submit the following report and recommend the passage of the bill:

Grand Rapids is a prosperous manufacturing and commercial city, of about 65,000 population, its product of furniture alone being valued at over $20,000,000 annually. Its nearest port of delivery is 40 miles west, at Grand Haven, upon Lake Michigan.

There are used in the industries of Grand Rapids and handled by its mercantile houses large quantities of foreign commodities. The port of Grand Haven is utterly useless to them for the purpose of entering foreign imports, because it is situated west of Grand Rapids, and imports entered by them would first have to pass through Grand Rapids by rail, and 40 miles west to Grand Haven, and then be entered and reshipped back to Grand Rapids again, 40 miles east, which would involve a cost too high to be borne, as is evidenced by the fact that there have never been any foreign imports entered at Grand Haven by the people of Grand Rapids; and the large amount of foreign commodities which are annually imported by the merchants and manufacturers of Grand Rapids are now obliged to be entered at eastern ports, such as New York, Detroit, and Port Huron, a long distance away, at considerable expense and delay.

The annexed letter of the Secretary of the Treasury recommends the passage of this bill.

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TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, D. C., February 9, 1888.*

SIR: I have the honor to acknowledge the receipt of a communication from your committee, dated the 18th ultimo, transmitting, for an expression of my views thereon, House bill 1540, constituting Grand Rapids, Mich., a port of delivery, and extending thereto the privileges of the act approved June 10, 1880, governing the transportation of merchandise without appraisement.

In view of the representations made as to the growing importance of Grand Rapids as a mercantile center, I see no objection to the passage of the bill and the extension to the place named of the privileges of the seventh section of the act approved June 10, 1880, above referred to.

Respectfully, yours,

C. S. FAIRCHILD,
*Secretary.*

Hon. M. L. CLARDY,
*Chairman Committee on Commerce, House of Representatives.*

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1049.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 835.]

*The Committee on Pensions, to whom was referred a bill granting a pension to General W. E. Woodruff, have examined the same and report:*

This bill passed the House on the 13th of April. The House report is adopted and is as follows:

General W. E. Woodruff was a soldier in the Mexican war. He was one of the first Kentuckians to respond to President Lincoln's call for troops at the outbreak of the civil war. He was the organizer and drill-master of both the First and Second Kentucky Regiments, and rendered great service in keeping his State in the Union. He was captured early in the war, and was one of the first prisoners confined in the Libby prison at Richmond. He was one of the five Union officers who were held as hostages and sentenced to death in the event of the execution of certain Confederates who were confined at Philadelphia as pirates. The gallows on which he was to be hung was constructed and was erected in sight of his window. He was thus held four months under death sentence, in full view of the scaffold, until the United States Government agreed to treat the Philadelphia prisoners as prisoners of war. Whilst on duty in West Virginia he was thrown from his horse and suffered internal injuries from which he has never recovered. General Woodruff was a brave and gallant officer, and has suffered greatly for his devotion to the Union cause. He is now over sixty years of age, infirm, and without resources.

Your committee think the modest sum of $50 a month, asked by him, should be cheerfully allowed.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1050.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 112.]

*The Committee on Pensions, to whom was referred a bill granting a pension to George Schneider, have examined the same, and report:*

This is the case of a soldier who served in the regular Army from 1840 to 1845, and who claims to have contracted disease from unwholesome food while in said service. The House report is adopted, and is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 306) for the relief of George Schneider, beg leave to report, that this soldier enlisted in Company G, of the Third Regiment of United States Artillery, on the 21st day of July, 1840, and was discharged from the service on the 21st day of July, 1845, by reason of expiration of term of service.

He alleges that he became afflicted with scurvy in March, 1841, while in the line of his duty as a soldier, and as the result of being compelled to eat unwholesome food. His military record shows that he was sick during the months of March and April, 1841, although the nature of the disease is not specified, but the other evidence in the case, being the testimony of the claimant himself, of Dr. G. H. Fuller, of Buda, Ill., and of neighbors of the claimant, satisfies your committee that this soldier is disabled in a pensionable degree; that the disability resulted from scurvy; that the disease (scurvy) was contracted by him in the line of his duty as a soldier, as alleged in his application for pension now on file in the Pension Office.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1051.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 2664.]

*The Committee on Pensions, to whom was referred a bill for the relief of Francis Daniels, have examined the same and report:*

This bill passed the House on the 13th of April. The House report is as follows, and is adopted:

That from the papers on file in the Pension Office it appears that the soldier enlisted August 14, 1862, at Troy, N. Y., and joined his company, then in Camp Halleck, near Troy aforesaid. That within a week or ten days after his enlistment he was taken sick in camp. Before the company started to the front he was permitted to return home on account of his sickness, where he remained until the following spring, April 13, 1863, when he rejoined his regiment, then at Alexandria, Va. He was absent at home when his company was mustered into service. The next day, April 14, 1863, he was sent to King Street General Hospital at Alexandria, with hypertrophy of heart, and discharged therefrom May 13, 1863. No records of the regiment on file bearing upon the case. His certificate of discharge, dated May 16, 1863, made by the assistant surgeon of the United States Army, states "disease developed before enlistment; has never done any duty; was enlisted for three years, but never mustered in service" and "incapable of performing the duties of a soldier because of valvular disease of heart and hypertrophy."

The soldier made application for pension June 12, 1880, claiming a pension for disabilities resulting from bilious fever, diarrhea, and heart disease, which was rejected on the ground that the disabilities did not arise in the service.

The fact that the soldier was sick during nearly his whole service and soon became totally unable to perform the duties of a soldier, and that he has since remained unable to perform manual labor, seems to be undisputed.

A bill was introduced in the Forty-eighth Congress for his relief and an unfavorable report made thereon by the Committee on Invalid Pensions, but no further action was had thereon.

The point seems to be, when did the cause of the disability originate? The United States assistant surgeon states "disease developed before enlistment."

Then we have the facts concerning his being taken sick and the continuation thereof.

On the other side we have the affidavit of Dr. William S. Cooper, who states that he was late surgeon of the One hundred and twenty-fifth Regiment New York Volunteers, the soldier's regiment—

"That on the 14th day of August, 1862, he examined Francis Daniels, private in Company H, One hundred and twenty-fifth New York Volunteers, and found him to be a sound man and free from heart disease. Further, if he had heart disease detectable by ordinary methods of diagnosis, affiant would have ascertained its existence."

The evidence of a number of witnesses shows that soldier's father carried on a sawmill and turning shop, where the soldier worked before his enlistment, and there is on file the affidavits of several persons who had known the soldier from his boyhood down to his enlistment, and saw him with other boys running and jumping, lifting and carrying heavy logs and planks while at work, and that they never knew or heard of any heart difficulty or other disease or difficulty, but that they always regarded him as entirely sound and healthy.

The affidavits of his mother and brother are to the same effect.

There have been filed with the committee since the introduction of this bill the affidavits of four persons, whose character and credibility are fully indorsed, showing that the soldier, previously sound and healthy, was taken sick in the camp at Troy, N. Y., with the bilious fever, and was taken home and there remained until he had sufficiently recovered to rejoin his regiment, the mother stating that the soldier, up to time of his enlistment, had never been sick or required the attendance of a physician.

The committee can but believe that while the soldier was extremely unfortunate in his military service, he was a sound and healthy man at the time of his enlistment, and for that reason entitled to the relief granted by this bill.

The bill is reported favorably with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1052.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 404.]

*The Committee on Pensions, to whom was referred a bill for the relief of Mary McGrath, have examined the same and report:*

This bill passed the House on the 13th of April. The House report is adopted and is as follows:

The claimant is over eighty-four years of age. She is dependent on charity for support. She applied to the Commissioner of Pensions to be put on the pension roll as the dependent mother of Peter McGrath, deceased, of Company F, Twenty-seventh Regiment Michigan Volunteers. After many years of effort in support of her application it was finally rejected in 1885, on the ground that "the cause of the soldier's death was not the result of his services, and the claimant was not dependent upon him at his death."

The testimony in support of the claim certainly shows as plainly as a fact can be established that during all the time from 1847, when the McGrath family came to America from Ireland, up to his death he took the sole care of and maintained his mother. There is nothing in the record to contradict this, and every witness is certified, in response to inquiry by the Commissioner by persons selected by him, to be veracious and of good character.

As to the origin of the disease of which the soldier died, Captain Baker, of his company and regiment, testifies that he knows he was "sound and healthy from the time of his enlistment to his capture, August 21, 1864."

Matthew Craven testifies that he was captured with the deceased at Weldon Railroad, Virginia; that deceased was healthy at that time, but that he contracted a severe cough, scurvy, and diarrhea in prison, and that affiant nursed him. He further testifies that the deceased never recovered his health, but got worse after he was released.

Patrick Leonard testifies to the deceased's good health before enlistment.

Other witnesses prove his death.

Terence and Susan Kelley testify to his death in St. Mary's Hospital, Detroit, Mich., of scurvy and consumption, and Sister Mary Francis, of that hospital, certifies to the character of his malady.

The Adjutant-General's office certifies that the deceased was enlisted for three years; was captured near Petersburgh, Va., August 21, 1864; and was subsequently confined as a prisoner of war at Richmond and Salisbury, and returned to Richmond, and in the month of February, 1865, paroled, when he reported for duty and went into hospital at Annapolis, Md.; the records failing to show the cause, and that the regimental prescription book and hospital register, subsequent to April, 1864, are not on file.

There is no doubt that the cause of this soldier's death was consumption and scurvy; that he had no such diseases when he was taken prisoner; that he incurred them while in prison, and was never free from them until he died.

The claimant is a very old woman; she is a childless widow, and there is no one legally bound to support her.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1053.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 3735.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Eliza Shreeve, have examined the same, and report:*

This bill passed the House on the 13th of April. The House report is adopted, and is as follows:

Alfred F. Shreeve enlisted August 11, 1862, in Company A, Sixth Maryland Volunteers; was discharged May 14, 1865, on account of gunshot wound of left knee-joint, causing amputation of the thigh at its middle, for which disability he was pensioned at the rate of $24 per month until his death, and died October 24, 1883.

His widow, Eliza Shreeve, filed her declaration January 19, 1884, on the ground that soldier, her husband, died from the effects of the gunshot wound and final amputation of leg. The Pension Department rejected her claim, because there was no evidence on file as to origin of or treatment for consumption, the fatal disease, in service; no medical or other satisfactory evidence showing the existence of said disease at or soon after date of discharge, and none showing the connection between fatal disease and loss of limb, for which said soldier was pensioned.

In support of the client's declaration the following evidence is adduced, and there is none on file to the contrary:

Dr. Billingslea, a reputable physician of Westminster, Md., testifies:

"I was the attending physician upon Alfred F. Shreeve at the date of his death, which occurred October 24, 1883, and he died of consumption, and I believe that the consumption was due to soldier's loss of leg and the sedentary habits thereby enforced."

Dr. H. M. Wilson, of Baltimore, Md., testifies that—

"The presence of pulmonary phthisis, incited, as I think, by exposure during the war, and soldier's inability to take proper exercise by reason of the loss of one limb, were the causes of his death. When I was first consulted by soldier I made special inquiry as to his previous history, sickness, wounds, and general exposure during his military service. The lung sounds indicated incipient phthisis, and its steady development was in no sense a surprise to me. As to its origin I reasoned thus: A young man from an exceptionally healthy country of good habits and in robust health, with a good family record, enters the Army, serves in the peninsula, is fearfully wounded, contracts malaria, endures a long hospital confinement, and upon a recovery sufficient to enable him to return home commences to cough, and upon physical exploration the initial stage of consumption is recognized. While the loss of the limb of itself and alone did not occasion the lung trouble, it most certainly did enter as an element into the circumstances that lighted up the disease, and I think it was the most potent factor in its rapid progress, in so far as it prevented free exercise in the open air."

Your committee believe the result arrived at by Dr. Wilson in his analysis of this case is entirely correct, and that the consumption from which the soldier died was the result indirectly of the amputation of his leg. Entertaining this opinion, they think favorably of the bill and recommend its passage.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1054.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 401.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Mrs. Jeannie Stone, have examined the same and report:*

This bill passed the House with the following favorable report, which is adopted.

The history of this case as given by Mrs. Stone in her appeal "to the Senate and House of Representatives," is as follows:

I respectfully appeal to you, the Senate and House of Representatives in Congress assembled, for relief by granting me a pension. I am the widow of General Charles P. Stone, of Massachusetts, and late of the U. S. Army, and, with his children, am left without means of support.

General Stone from July 1, 1845, the day he entered the service of the United States as an officer of the Army, to the day of his death was a loyal citizen and servant of his country, devoting his labors while in commission to its interests, and often, when necessary, risking his life to protect its honor.

By efficient service on General Scott's staff in Mexico he secured the ever-abiding confidence of General Scott, and won honorable mention in brevet commission "for gallant and meritorious services in the battle of Molino del Rey," and also "in the capture of Chepultepec." He was selected as chief of ordnance on the staff of the commanding general in California in 1851, and was charged at a time of threatening danger with the duty of putting the harbor of San Francisco in a state of defense, which duty was accomplished as far as practicable with the limited means at disposal.

In the winter of 1860 and 1861 he was in Washington City, attending to important interests as chief of the commission for the survey and exploration of the public lands in the State of Sonora, Mexico. The safety of the capital was seriously threatened by efforts to dissolve the Union. Deeming his duty to his Government as overpowering his personal interests, he at once resigned that important position, and was the first person, during these serious threatenings, to volunteer his services to the Government. Assigned to the command of the District of Columbia Volunteers, he enrolled, organized, and disciplined them, and applied himself most successfully to the security of the capital by protecting the President during the inauguration. These services were appreciated by the Government, which recognized them by appointing him a colonel in the Army and brigadier-general of volunteers. During subsequent services in Maryland some of his acts were misconstrued, and other unfortunate acts of some of his command were incorrectly attributed to him. In consequence he was unjustly subjected to harsh and oppressive treatment, which, in connection with other severe treatment in Louisiana amid active and efficient duty, shattered his health and unsettled his mind. While in this mental and bodily condition, intensified by illness contracted during service in unhealthy localities of Louisiana, Illinois, and Virginia, he tendered his resignation under the expectation of an early death, and thereby severed his connection with the Army.

For a long time he was a sufferer in his intellect, and in connection with the state of the public mind during the war was prevented entering into commercial or other business, whereby he could lay by anything to maintain his family. Consequently for years he was compelled to accept position offered by the Pasha of Egypt. For the reason that he was thus led to resign from the Army, after having spent his wh-

stance and imperiled his life in the service of his country, I now respectfully appeal to you for aid, earnestly trusting the Government he loyally served will not permit his destitute family to be sufferers.

Very respectfully,

JEANNIE STONE.

NEW YORK, *December* 26, 1887.

This petition is numerously signed, and the passage of the bill earnestly recommended by a large number of prominent citizens of Massachusetts, Connecticut, New York, and Pennsylvania, among whom are Abram S. Hewitt, mayor of New York; General H. W. Slocum, General William T. Sherman, General W. B. Frye, Henry Dowd, D. O. Mills, Robert G. Ingersoll, C. F. Tiffany, H. Villard, General Fitz John Porter, and many others.

The Adjutant-General of the Army, at the request of this committee, has furnished the following report of the services of General Stone:

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
*Washington, February* 15, 1888.

*Statement of the military service of Charles P. Stone, late of the U. S. Army, compiled from the records of this office:*

REGULAR ARMY RECORD.

He was a cadet at the United States Military Academy from July 1, 1841, to July 1, 1845, when graduated and appointed brevet second lieutenant of ordnance; promoted second lieutenant March 3, 1847; first lieutenant February 26, 1853; resigned, honorably, November 17, 1856.

Appointed colonel, Fourteenth Infantry, May 14, 1861; resigned, honorably, September 13, 1864.

He received the brevets of first lieutenant September 8, 1847, "for gallant and meritorious conduct in the battle of Molino del Rey, Mexico," and of captain September 13, 1847, "for gallant and meritorious conduct in the battle of Chapultepec, Mexico."

He was on duty at the United States Military Academy from July 1, 1845, to January 13, 1846; at Watervliet Arsenal, N. Y., to May, 1846, and at Fort Monroe Arsenal, Va., to December, 1846; with siege train en route to and in Mexico to June, 1848; participating in the siege of Vera Cruz March 9 to 29, 1847; battle of Contreras, August 19, 1847; Molino del Rey, September 8, 1847; Chapultepec, September 13, 1847, and assault and capture of the City of Mexico, September 13, 14, 1847; in garrison in the City of Mexico, September 14, 1847, to June, 1848; en route to and on duty at Watervliet Arsenal, N. Y., to September 15, 1848; on leave of absence to visit Europe, "for the purpose of improvement in his profession and the gaining of general information," to May 13, 1850; on duty at Watervliet Arsenal from June 1 to July 20, 1850, and at Fort Monroe Arsenal to December 10, 1850, under orders of the Secretary of War, attending and embarking men and stores and conducting them to California, via Cape Horn, to August, 1851; in charge of construction and in command of Benicia Arsenal, and chief of ordnance, Division and Department of the Pacific, to January 27, 1856; on leave to November 17, 1856, upon which date he resigned.

VOLUNTEER RECORD.

He was appointed colonel and inspector-general, District of Columbia militia, January 1, 1861, and brigadier-general United States volunteers, May 17, 1861.

He was mustered into service January 2, 1861, by special application of the general-in-chief, Lieutenant-General Scott, and was engaged under his orders disciplining the volunteers of the District of Columbia from January 2, 1861, to April 16, 1861, commanding District of Columbia volunteers in charge of all the outposts of Washington, and guarding the railroad between Washington and Annapolis Junction; was also in command of the advance guard in the passage of the Potomac under "such admirable arrangements (made by him) that he was enabled to take possession of the Virginia side of the Long Bridge before any alarm was given, thus preventing the rebels from firing it," and taking of Alexandria, Va., May 24, 1861, which place he commanded for two days, when recalled, and he resumed command of the outposts of Washington, commanding Rockville expedition, and was engaged in the skirmishes of Edward's and Conrad's Ferry in June and skirmish at Harper's Ferry, July 7, 1861: commanding First Brigade in General Patterson's operations in the Shenan-

doah Valley, July 8 to 23, 1861; commanding Corps of Observation, Army of the Potomac, from August 10, 1861, to February 9, 1862; was imprisoned at Fort Lafayette, N. Y., to August 16, 1862, when released (no charges having been preferred against him); awaiting orders to May 3, 1863, when he was ordered to report for duty to the commanding general, Department of the Gulf; he served in that department from May, 1863, to April 17, 1864, participating in the siege of Port Hudson, June and July, 1863, and was senior member of the commission for receiving the surrender of that place, July 8, 1863; was chief of staff to Major-General Banks, commanding Department of the Gulf, from July 25, 1863, to April 17, 1864, participating in the campaign of Bayou Teche, La., in October, 1863, the Red River campaign, March and April, 1864, battle of Sabine Cross-roads, April 8, 1864, and battle of Pleasant Hill, La., April 9, 1864.

He was honorably mustered out as brigadier-general of volunteers, April 4, 1864. Awaiting orders from April, 1864 (when relieved from duty as brigadier-general of volunteers) to August 21, 1864, commanding First Brigade, Second Division, Fifth Corps, Army of the Potomac, to September 13, 1864, upon which date he resigned.

R. C. DRUM;
*Adjutant-General.*

In view of all the facts in the case, and the high character of those whose names appear attached to the petition requesting the passage of the bill, the committee are of the opinion that the same ought to pass.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1055.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 138.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Joseph Perry, have examined the same and report:*

This bill passed the House with the following report, which is adopted:

It appears from the papers making application for pension now on file in the office of the Commissioner of Pensions that Joseph Perry enlisted in Company ——, Twelfth Indiana Militia, under Capt. Albert Kern, Col. Joseph H. Burkham commanding said regiment. The said soldier was with his company and regiment, and the said regiment was in active service at South Vernon, being at said place to intercept the rebel John Morgan in his raid through Indiana, in the year 1863, and the said regiment being in line of battle, in the night time, the said Joseph Perry was trampled down by a militia or independent cavalry company or regiment, and was knocked off the bank of the Muscatatuck River to the foot of the bank, a distance of about 30 feet; broke his leg, dislocated his knee, fractured his skull, and knocked out three of his teeth, leaving him a cripple for life.

It is stated as a fact, and it is undoubtedly true, that this Twelfth Regiment of Indiana Militia was raised and equipped in compliance with orders from the authorities at Indianapolis by telegraphic dispatch, and was disbanded by said authority by same method, and that all of said militiamen were duly sworn into the service of the United States and of the State of Indiana.

Joseph H. Burkham, colonel of said regiment, testifies that the statement of the manner of the wounding of the said Perry as related above is true, as he verily believes. He further says that he was in command as colonel of said Twelfth Regiment of Indiana Militia at the time and place stated, and that he knows that the said Perry was injured as set forth in his said affidavit.

Benjamin P. Huestis says that he was a private of said company and regiment, and was present at the time said Perry was wounded, and knows that he received the injuries as stated.

Appended to the statement of the said Perry as to the manner in which his injuries were received is the following:

"We, the undersigned citizens of Manchester township, certify to the above facts, we being present and in the same company with him, and were detailed to take care of him: John Alexander, Owen T. Hamlin, Lafayette Plumer, David H. Clark, T. B. Crider, Albert D. Jackson, R. C. Claspill, George Clark, John Collier, Jesse H. Mendell, Edwin Jacquith, John E. Huestis, S. T. P. Schooley."

The captain of said company makes affidavit that Joseph Perry was a private in his company, and that while in the service and in line of duty was injured by being knocked down a steep embankment in the night time by some mounted troops of either the United States Army or in the service of the State of Indiana, but under and subject to the command of the United States commandant of the military forces of Indiana during the Morgan raid, and that he received the following injuries, viz: His right leg broken at the thigh, injury of knee of right leg, and fracture of skull on right side of head, and that said injuries were received at or near a place called South Vernon, in Jennings County, State of Indiana.

Dr. T. M. Kyle certifies as follows:

"I have examined Joseph Perry as to the extent of his injuries received while engaged as a volunteer soldier in the Twelfth Indiana Regiment. Right leg broken

above the knee, 2 inches shorter and "pronated," causing considerable pain during walking. A depression about three-fourths of an inch in diameter in the right parietal bone, causing at times severe pains in his head."

From a letter on file written by William H. Dowdell, esq., we make the following extract:

"Col. Joseph H. Burkham informed me that his regiment was ordered into the service at the time and place mentioned by order of General Wilcox, commanding, in Indiana, and that General Wilcox was under General Burnside, then commandant of Cincinnati, Ohio. It would seem that at the time of the wounding of Joseph Perry, his company and regiment were doing duty under command of General Wilcox, a U. S. Army officer. The claimant, Joseph Perry, is a poor man, but well esteemed by his neighbors. He is a cripple for life, one leg being about 2 inches shorter than the other, and a depression of the skull, that causes him a great deal of pain and expense in the way of medical treatment, and his ability to gain a livelihood and get on in the world greatly diminished."

The claim for pension was rejected by the Commissioner of Pensions on the ground "that there is no record of such organization as the Twelfth Indiana Volunteer Militia at the War Department."

In the opinion of the committee the evidence abundantly proves that the said Joseph Perry was in the service of the United States and in line of duty when he received the injuries for which he asks a pension, and that said soldier has produced sufficient evidence to prove that the injuries received justly entitle him to be placed upon the pension-roll. The soldier enlisted in obedience to a call for volunteers from a proper authority of the U. S. Army, to suppress the raid of the rebel general, John Morgan, at a time when it was impossible to send regular troops to the scene of action, and the committee can see no good reason why a volunteer soldier, duly sworn into the service of the United States, and enrolled into the State militia, and who, while in the line of duty receives wounds which disable him from pursuing his usual avocation for earning a living by manual labor, should not be placed upon the same footing as the soldier who is recognized by the Government as regularly in the service of the United States.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1056.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 7882.]

*The Committee on Pensions, to whom was referred a bill granting a pension to John Kinney, have examined the same and report:*

This bill passed the House on the 13th of April. The House report is adopted, and is as follows:

John Kinney was enrolled on the 5th day of July, 1863, in Company M, First Regiment Heavy Artillery Ohio Volunteers, and was honorably discharged July 25, 1865.

He applied for pension, alleging disability arising from typhoid fever, small-pox, and double rupture while in line of duty as a member of said company and regiment. The claim was rejected on the ground that there is no record and the best attainable evidence fails to establish origin of alleged double rupture in line of duty, or to show that claimant incurred typhoid fever and small pox in the service, or that he has suffered since his discharge from any result of said fever or small-pox.

The board of medical examiners report that—

"The general health is good—no debility present. There is a complete inguinal hernia on left side; on right side the inguinal canal is obliterated, and there has evidently been a hernia, but there is none at present, the opening being closed. He wears a truss which retains the hernia perfectly. We find no disability from typhoid fever or small-pox. The rating is based solely on hernia on left side."

There is abundant proof that the claimant was free from rupture or hernia prior to and at the time of his enlistment. The rupture, as appears from the evidence of several comrades, members of the claimant's company, occurred about as follows: The soldier was sick at the time the rupture happened; was excused by the doctor from duty, as he was unable to do duty. Capt. Henry I. Bly wanted claimant to go on guard duty, but he refused to go and the captain then ordered him lashed to a cannon. He was lashed down to the cannon with his back down and was kept tied in that position for two and three-quarter hours. All the evidence shows this to be the fact, except a letter written by Captain Bly, in which he denies the statement *in toto*. There is evidence that the captain was an untruthful, vicious, and unreliable man, capable of doing an inhuman act like that he caused to be inflicted on the soldier.

In the opinion of the committee there is not sufficient evidence to establish any disability from typhoid fever or small-pox. The only question before the committee, then, is, was the soldier in line of duty when he received the rupture as set forth? He had disobeyed orders in not going on detail as directed. According to military law he was subject to punishment, but the alleged rupture was not incurred during the interim of disobedience of orders, but was incident to the punishment consequent thereupon. The captain's punishment was inhuman, entirely uncalled for, and your committee believe that any disability incurred by the claimant while undergoing that punishment is a pensionable disability.

Your committee believe that the claimant ought to receive a pension according to rating for rupture.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1057.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 680.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Henry H. Stutsman, have examined the same and report:*

This bill passed the House on the 13th of April. The House report is adopted and is as follows:

Stutsman enlisted in Company F, Thirteenth Iowa Volunteers, October 21, 1861, and was discharged June 11, 1862, for disability. He applied for pension May 2, 1878, on account of injury, or, as he terms it, rupture of the left side. The claim has been rejected by the Pension Office because of the insufficiency of the evidence to show origin in the service.

Claimant alleges that while stationed at Jefferson City, Mo., about February 10, 1862, he was ruptured in left side while helping a sick man, who fainted and fell upon him.

In corroboration of this allegation there has been filed the following testimony:

Dr. Sylvester G. Matsen, of Anamosa, Iowa, testifies, in 1878, that he has been a practicing physician for forty-five years; has known the soldier from childhood, and was his father's family physician for many years. Considered soldier sound at enlistment; if otherwise, would have known it.

Dr. E. H. Lockwood testifies that he was intimately acquainted with the claimant for fifteen years prior to his enlistment; were together most of the time, and knows that he was physically sound when he entered the Army.

Comrade Oliver Brundidge testifies that claimant was taking care of one of the sick, and while helping him to the door the man fainted and fell with claimant, the latter striking his left side upon a stick that was driven in the ground. Complained of his side, and was shortly thereafter sent home on furlough. The record of the War Department does show that claimant was sent home on furlough February 10, 1862, to return March 12, 1862.

Neighbors testify that upon his return home on furlough claimant was suffering from an injury to left side, and came under treatment of Dr. Stone, now deceased.

Although the record shows that claimant was discharged on account of disability, there is no certificate of disability on file, and is, therefore, without fault on his part, deprived of what corroborative record evidence there should be available.

Medical examination shows a well-defined tumor, about three inches in diameter, immediately above the anterior portion of crest of left ilium, which disappears when assuming a recumbent position, but reappears when erect. It is probably due to rupture of the abdominal muscles.

The witnesses in the case are shown to be competent and credible. There is nothing in the whole history of the case in any way inconsistent with the claimant's allegations, and while the evidence may not be conclusive enough to warrant favorable action under the rules of the Pension Office, yet your committee believe that the claim is meritorious.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1058.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 879.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Royal J. Hiar, have examined the same and report:*

This bill passed the House on the 13th of April. The House report is adopted and is as follows:

Hiar was a member of Company K, First Regiment Michigan Engineers and Mechanics, during the war of the rebellion. In 1876 he filed an application for a pension on the ground of injury to his right leg, received in the line of his duty. His claim was rejected November 22, 1884, on the ground "that there is no record of alleged disease of right side and hip, and claimant having failed to prove incurrence in the service of the United States and line of duty."

Claimant testifies that in March, 1862, he was detailed with others for service at Elizabethtown, Ky. That while repairing the hospital tent there he contracted a severe cold, but continued on duty until ordered to Nashville, Tenn., when he was taken with typhoid pneumonia, and was in the hospital there very sick. That soon after his discharge from the hospital he began to feel a lameness in his right side, resulting from the disease, which has continued and increased until now his right leg is 2 inches shorter than the other.

Being on detached duty, and separated from his command when he contracted his illness, he is unable to furnish the testimony of but two persons as to origin, viz, Mark D. Mason and John Cahoon, both members of his company, whose affidavits fully corroborate the declaration of the claimant and clearly show the existence in the service of the disability.

The bill is reported favorably with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1059.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 2423.]

*The Committee on Military Affairs, to whom was referred the bill (S. 2423) to increase the rank of Maj. Joseph B. Collins, U. S. Army, retired, having considered the same, report as follows—*

From the military record of this officer it appears that—

He became unassigned on consolidation of the infantry regiments March 15, 1869, and was honorably mustered out as a supernumerary officer January 1, 1871, with a year's pay and allowances, under section 12, act of July 15, 1870.

And that—

By an order of the President, dated March 8, 1879, under authority conferred by an act of Congress approved March 3, 1879, Major Collins was re-instated in the Army as a major of infantry and placed on the retired list in that year, to date from January 1, 1871, and, under a decision of the Court of Claims, received pay between the date of his muster-out, January 1, 1871, and the date of his restoration in 1879, less the year's extra pay he received on discharge.

The act referred to is as follows:

AN ACT for the relief of Joseph B. Collins.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he is hereby, authorized to re-instate Major Joseph B. Collins, late of the United States Army, and to retire him in that grade, as of the date he was previously mustered out; charging him with all extra pay and allowances, paid him at that time.

Approved, March 3, 1879.

The passage of that act was recommended by this committee in a report prepared by Mr. Butler, submitted February 8, 1879, from which the following is an extract:

The Committee on Military Affairs, to whom was referred bill H. R. No. 6270, beg leave to report: That they have had the same under consideration, and recommend the adoption of the House report and the passage of the substitute therein recommended. There are special circumstances attending the case of Colonel Collins. Long, meritorious, gallant, and faithful service; disabilities incurred in the line of his duty; his age, poverty, and unfitness for the duties and trials of civil life; and, above all, the summary, illegal, and, as your committee submits, harsh treatment in his muster-out, all concur in making his an exceptional case. Your committee, as a rule, have declined to recommend the restoration of officers to the Army for retirement; but if not in all, certainly in a great majority of such cases, where the officers had voluntarily resigned their commissions and entered civil life of their own volition.

Your committee, therefore, do not intend hereby to establish a precedent, but to grant special relief in an exceptional case.

It thus appears that the committee, though generally refusing to recommend the restoration of officers to the Army for retirement, departed from their custom in this case for the particular reasons stated.

The considerations referred to in the report seemed to the committee sufficient to justify them in dealing with Major Collins's claim upon the favor of the Government as an exceptional case. But these considerations have already served that officer a valuable purpose, and because of them he has received pay for more than eight years when he was not in the service of the Government, and no view of the case which suggests itself can justify the additional special relief proposed by this bill.

Your committee therefore recommend that the bill be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1060.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill H. R. 6098.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 6098) authorizing the construction and repair of the roads from the entrance to the reservation of the Presidio, at San Francisco, Cal., to the national cemetery on the same, and the fencing and protection of the said reservation and the cemetery thereon, having considered the same, report as follows:*

Your committee recommend the passage of this bill.

The Secretary of War, the Lieutenant-General, and the Quartermaster-General, for reasons which seem to be sufficient, all favor the measure, as will appear in their communications on the subject directed to the chairman of the Committee on Military Affairs of the House of Representatives.

The House report, with these communications attached, is set out below:

Your committee, to whom was referred the bill (H. R. 6098) authorizing the con, struction and repair of the roads from the entrance to the reservation of the Presidio at San Francisco, Cal., to the national cemetery on the same, and the fencing and protection of the said reservation and the cemetery thereon, respectfully submit that it appears from the examination of the annexed report of the Secretary of War, the General of the Army, and the Quartermaster-General that the money asked for in the accompanying bill is needed for immediate use in the preservation and protection of public property and in the construction and completion of roads through the United States military reservation at San Francisco, Cal.

The presidio comprises something over 1,500 acres of land, worth several million dollars, and is necessary to the defense of the port of San Francisco, and the roads proposed to be constructed will be valuable for military purposes. The amount of work proposed to be done with the money asked is so agreeably large in proportion to the appropriation asked that your committee take pleasure in recommending the passage of the bill, making the statements of the officers above referred to, and where the reasons for the expenditure are set out in detail, a part of their report.

One portion of the bill attracts the attention of your committee, namely, the proviso, commencing in line 13, and providing for the arrest of trespassers, intruders, and disorderly persons upon the reservation by the police authorities of the city of San Francisco. It strikes your committee as worthy of remark that it is necessary to use civil officers to guard an army and the property belonging to it.

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WAR DEPARTMENT,
*Washington City, February* 20, 1888.

SIR: In reply to your request of the 7th instant for the views of this Department upon House bill 6098, Fiftieth Congress, first session, to appropriate $10,000 for the construction and repair of the roads leading to the national cemetery on the reservation of the presidio of San Francisco, and the fencing and protection of the reserva-

tion and the cemetery thereon, I have the honor to invite attention to the inclosed report of the 14th instant, accompanied by a map of the presidio reservation, from the Quartermaster-General, stating that the cemetery needs considerable enlargement, that the roads leading to it require extensive repairs, and that in view of the importance of the presidio reservation as a defensive position the sum proposed to be appropriated is not too large.

I also invite attention to the inclosed report of the 17th instant from the Lieutenant-General, who states that the reservation is of much value to the Government, but for lack of funds has not been kept in proper police and repair, and that the concluding provision of the bill is necessary owing to the proximity of the reservation to the city of San Francisco.

The views of the Quartermaster-General and of the Lieutenant-General are concurred in by this Department.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. R. W. TOWNSHEND,
*Chairman Committee on Military Affairs, House of Representatives.*

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HEADQUARTERS ARMY OF THE UNITED STATES,
*Washington, D. C., February* 17, 1888.

SIR: I have the honor to return herewith a bill (H. R. 6098, Fiftieth Congress, first session), for the construction of roads and fences at the presidio at San Francisco, referred by you for my report, with the remark that I heartily approve of the proposed measure. This reservation is of much value to the Government, but for lack of funds has not been kept in proper police and repair. This amount, if appropriated, will put the grounds in good condition.

The concluding proviso is also necessary, the reservation immediately adjoining the city of San Francisco and being often the resort of tramps or objectionable individuals.

Very respectfully, your obedient servant,

P. H. SHERIDAN.
*Lieutenant-General, Commanding.*

The SECRETARY OF WAR.

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WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
*Washington, D. C., February* 14, 1888.

SIR: In regard to the House bill No. 6098, referred to me for report, I have the honor to state:

(1) That the national cemetery situated on the reservation of the presidio of San Francisco is the only one within the States and Territories upon the Pacific slope. Consequently it needs enlarging considerably to meet all the requirements of existing law, namely, that the Government shall furnish a place of burial for every deceased soldier, sailor, or marine that served in the late war for the Union.

(2) The roads leading to this cemetery need extensive repairs and require to be kept in repair. The water used for its irrigation and for the military posts on the reservation requires protection for its springs and conduits, both of materials and by the police. The movements of the sand-drifts across the reservation can be suppressed only by attention, such as claying and seed-planting.

(3) The presidio reservation itself contains about 1,520 acres. It extends along the sea shore and the coast line of the entrance at the Golden Gate, along a part of the bay, and has one side and part of another abutting against the streets and blocks of the city of San Francisco. This reservation is said to contain the main positions for the defensive works to bar the entrance through the Golden Gate to the San Francisco Harbor.

Therefore upon its integrity in a great measure must depend the safety of the largest and best harbor on the Pacific coast. It is a landed estate of great value, estimated at many millions of dollars.

It needs fences, gate-keepers, guards, and at times the assistance of the police to break up the camps of tramps, hoodlums, and unlawful persons within its limits.

For the expenditure necessary for the cemetery, and incidentally for the reservation upon which it is situated, the sum named, $10,000, is not too large, and it is safe to say that no money in the Treasury can be more usefully applied than this.

Very respectfully, your obedient servant,

S. B. HOLABIRD,
*Quartermaster-General U. S. Army.*

The SECRETARY OF WAR.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1061.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 1247.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1247) directing the Secretary of War to furnish States with copies of the record of troops, having considered the same, report as follows:*

The Adjutant-General, commenting on a similar bill referred to the War Department during the first session of the Forty-eighth Congress, among other things, said:

To begin this work at once, in connection with what is already required of the office, would necessitate the employment of about one hundred clerks and the renting of suitable buildings for their occupancy. It is estimated that organizations equal to two thousand regiments have been in service during the war.

The views of the Department on the present bill are set forth in the subjoined communications, and it appears from the report of the Adjutant-General that it is not practicable at this time to furnish copies of records as proposed by the bill.

Your committee recommend that the bill be indefinitely postponed.

WAR DEPARTMENT,
*Washington City, April* 10, 1888.

SIR: In reply to your request of the 5th instant for the views of this Department on Senate bill 1247, Fiftieth Congress, first session, "directing the Secretary of War to furnish States with copies of the record of troops," I have the honor to inclose a report of the 6th instant from the Adjutant-General of the Army, who states that the record of troops of the several States can be given most conveniently in the manner pointed out in the circular letter of July 31, 1886 (copy herewith). The plan set forth in this letter has worked well, and has cost the States that have taken advantage of it but a small sum.

If this bill becomes a law, a large increase of force will be required.

Very respectfully,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. J. R. HAWLEY,
*Chairman Committee on Military Affairs, U. S. Senate.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, April* 6, 1888.

SIR: I have the honor to return herewith letter of the Committee on Military Affairs, United States Senate, dated March 5, 1888, transmitting a bill directing that upon the request of the governor of any State, copies of the records of the troops from such State as were engaged in the late war shall be furnished, in the order of the date of such applications and as soon as consistent with due accuracy, and request-

ing the views of the Department on the same, and in compliance with instructions therein to report as follows:

I fully appreciate the feelings of the State authorities in their desire to possess the records of the troops they sent to the war, and would gladly gratify it if within my power to do so; but it must be borne in mind that the rendering of reports upon which depends the settlement of pension and other claims of soldiers and their heirs is an imperative duty, while the completing of State military records is but a sentiment, laudable, no doubt, but of no practical service to the soldiers or their heirs.

The only practicable scheme for the gratification of the several States in this matter, without injury to pension and other work, is the one approved by the Secretary of War and embodied in circular letter of July 31, 1886 (copy inclosed). The plan set forth in this letter has worked well at small cost to the States that have taken advantage of it.

In my opinion, if this bill becomes a law, it will simply result in the accumulation of requests from the States for copies of the rolls, and relegate to the distant future any attempt at compliance with such requests.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, July* 31, 1886.

The ADJUTANT-GENERAL, STATE OF ——— ———:

SIR: I have the honor to communicate to you the following letter, addressed by me to the honorable Secretary of War, July 28 instant, on the subject of completing the military records of the States, together with his indorsement approving the scheme on the conditions stated therein:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, July* 28, 1886.

Hon. WILLIAM C. ENDICOTT,
*Secretary of War:*

SIR: Notwithstanding my sympathy with the desire of the several State military authorities to complete their records, I have been forced to report adversely on applications heretofore made by them to the War Department, for reasons based on the paramount importance of pension work and the inadequacy of present accommodations even should Congress provide the necessary additional clerical force.

I am, however, so strongly of opinion that some measure should be adopted to enable the War Department to comply with the earnest demands of adjutants-general of States, that I beg to suggest the adoption of the following scheme in the absence of legislative action in the matter:

It has become evident to me that, while in isolated cases a few rolls may be missing from the State records, the bulk of the information sought is the final record of officers and men reported "absent" on muster-out rolls of companies. To furnish such information will necessitate careful reference to and examination of the records of several divisions of the Pension and other branches, and it is therefore proposed to select a few expert clerks in each division, under proper supervision, who shall prepare the individual reports called for.

It is suggested that the hours of extra or night work be fixed at from 6 to 9 or 10 p. m., and the rate of compensation for all engaged be, say, 60 cents per hour, the chief of each division reporting daily the number of men on duty and the actual number of hours to be credited to each clerk, with a view to the proper preparation of semi-monthly or monthly pay-rolls.

Should this scheme meet with your approval and prove acceptable to the State authorities, the necessary details can be perfected, and its adoption will enable the War Department to furnish the information needed to complete the State military records without at all impairing the efficiency of this office or retarding pension work.

Very respectfully,

R. C. DRUM,
*Adjutant-General.*

Respectfully returned to the Adjutant-General, approving the plan suggested, with the understanding that the compensation is to be paid by the States, as also the estimated cost of gas consumed.

If drop-lights are needed, these should be paid for by the persons employed on the work.

By order of the Secretary of War.

JOHN TWEEDALE,
*Chief Clerk.*

WAR DEPARTMENT, *July* 30, 1886.

I beg you will please submit this communication to his excellency the governor of ———, with the request that, if the plan suggested meets with his approval, the War Department may be at once notified by telegraph, in order to enable me to perfect the details necessary to insure satisfactory results.

Should copies of muster-rolls be required, I take it for granted that the entries made thereon for the guidance of the paymaster, noting deductions to be made for clothing, tobacco, etc., are to be omitted, as they in no wise affect the military status of the men against whose names they appear on the rolls.

I am, sir, very respectfully, your obedient servant,

———,
*Adjutant-General.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1062.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

## REPORT:

To accompany bill S. 2378.]

*The Committee on Military Affairs, to whom was referred the bill (S. 2378) to correct the military record of John D. Thomas, having considered the same, report as follows:*

Your committee recommend that this bill be indefinitely postponed.

There is not the slightest pretext for removing the charge of desertion standing against this soldier, as will appear from the following report of the Adjutant-General to the Secretary of War:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
*Washington, April* 3, 1888.

SIR: I have the honor to return Senate bill 2378, Fiftieth Congress, first session, authorizing the issue of an honorable discharge to John D. Thomas, late of Company C, Eighth Illinois Volunteers, transmitted by the chairman of the Senate Committee on Military Affairs, and to report as follows:

John D. Thomas was enrolled July 25, 1861, at Charleston, Illinois, and mustered in the same day, to serve three years, in Company C, Eighth Illinois Volunteers, and served in that organization until February 19, 1863, when he deserted at Memphis, Tenn. He was arrested October 21, 1863, at Collinsville, Ohio, a reward of $30 being paid for his arrest, and was forwarded to Vicksburg, Miss., where he was placed in confinement in military prison November 11, 1863.

On December 18, 1863, he was arraigned before a general court-martial on charge of "Desertion," with specification, "In this, that he * * * did leave his company and regiment, whilst under marching orders, without the knowledge or consent of his commanding officer, and did remain away until on or about the 11th day of November, 1863, at which time he was confined in military prison at Vicksburg.

"This at Memphis, Tennessee, on or about the 19th day of February, 1863."

He was found guilty and sentenced "to forfeit all pay proper from February 19, 1863, to November 15, 1863 (eight months and twenty-six days), and that he make good the time lost by desertion, from February 19, 1863, to November 15, 1863 (eight months and twenty-six days)."

The findings and sentence of the court were approved and confirmed January 1, 1864, by the commanding general Seventeenth Army Corps, and duly promulgated.

He rejoined his company January 21, 1864, and on February 1, 1864, re-enlisted therein as a veteran volunteer and served until February 17, 1865, when he was arraigned before a general court-martial convened at Fort Gaines, Ala., on charge of "Conduct prejudicial to good order and military discipline."

Specification: "In this, that he * * did forcibly enter the bar-room of the steamer *Shamrock*, and did, in company with private Mathias Keith, Company D, and other soldiers of the Eighth Illinois Veteran Volunteer Infantry, steal from thence money and articles of value belonging to the bar-keeper of the steamer *Shamrock*, viz, $44 in postage currency, lawful money of the United States, wine, whisky, bitters, oysters, and sundries; the value of the whole being about $114.

"All this on board the steamer *Shamrock*, on or about the night of the 7th day of November, 1864, on the White River, between the mouth and Clarendon."

He was found guilty, and sentenced to hard labor for four months and forfeiture of all pay and allowances for that period.

The proceedings, findings and sentence of the court were approved (Fort Pickens, Fla., being designated as the place of confinement), and promulgated in General Orders, No. 8, Headquarters First Division Thirteenth Army Corps, dated March 1, 1865.

While undergoing sentence at Fort Pickens, Fla., he deserted, June 11, 1865, and never returned.

Although Thomas has made frequent applications to this office during the sixteen years last past, he has presented nothing in the form of testimony, except his own statements, denying that he deserted February 19, 1863, or that he was guilty of the offense for which he was tried February 17, 1865, and asserting that he had permission to leave Fort Pickens on June 11, 1865; all of which is contradicted by the official records.

As he was convicted by a general court-martial of having deserted on February 19, 1863, the charge of desertion of that date does not stand against him, but the record of his desertion and subsequent trial must of necessity remain.

The charge of desertion of June 11, 1865, is not, however, removable under any law authorizing the removal of such charges, as it was not erroneously made, and the soldier did not serve faithfully until May 1, 1865. Upon these grounds this office has heretofore declined to remove the charge.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1063.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 2261.]

*The Committee on Military Affairs, to whom was referred the bill (S. 2261) to correct the military record of Roswell M. Shurtleff, of New York, having considered the same, report as follows:*

The bill provides that Roswell M. Shurtleff be considered and held to have been mustered into the service of the United States as first lieutenant and adjutant of United States volunteers, to date from May 15, 1861, and to have been mustered out July 23, 1862, and that his military record be corrected accordingly in the War Department.

It will appear from the Adjutant-General's report, printed below, that Mr. Shurtleff's claim for recognition as first lieutenant and adjutant has been repeatedly rejected by the Department, and that there is no foundation for the relief proposed by this bill.

Your committee therefore recommend that the bill be indefinitely postponed.

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, April 9, 1888.*

SIR: I have the honor to return herewith a bill (S. 2261, Fiftieth Congress, first session) to authorize the Secretary of War to cause the proper record to be made in the War Department so as to show the muster-in of Roswell M. Shurtleff as first lieutenant and adjutant of United States volunteers to date May 15, 1861, and his muster-out as such to date July 23, 1862, referred to the Department for information by the Committee on Military Affairs, United States Senate, and to report as follows:

It appears from the records of this office that on May 18, 1861, Washington A. Bartlett, as colonel elect, and Harry D. Whittmore, as lieutenant-colonel elect, addressed a communication to the President in which they stated that they, in concert with other patriotic citizens, had called upon the seamen of the ports of New York and vicinage to enroll themselves into a military and naval corps under the title of the "Volunteer Naval Brigade"; that the corps, composed of competent and experienced seamen—gunners, infantry, or rifles, as the case might be—numbered one thousand officers and men, of whom eight hundred were embodied at Camp Ironside, Staten Island, New York; that the corps was then ready for any service "afloat or ashore," and that the whole corps had requested Colonel Bartlett and Lieutenant-Colonel Whittmore to repair to Washington and represent to the President their desires for immediate service. In the same communication a plan of organization was submitted which embraces the names of the persons proposed for the field and staff officers of the corps. The name James Millward appears therein as adjutant. The name Roswell M. Shurtleff does not appear therein.

May 22, 1861, the Secretary of War (Mr. Cameron) indorsed on the communication the following:

"If the 'Volunteer Naval Brigade' named within will procure the permission of the governor of the State of New York to leave that State, and will without trouble to the Government of the United States report themselves to General Butler, at or near Fortress Monroe, in the State of Virginia, on or before the 29th day of this month, organized, clothed, armed, except the heavy guns, and equipped as indicated by the within plan, General Butler is then and there to muster and receive them into the service of the United States and attach them to his command.

"By special order of the President."

On May 23, 1861, the force was authorized by the governor of New York to leave the State.

Instead, however, of reporting to General Butler "without trouble to the Government of the United States," Colonel Bartlett, it appears, chartered a steamer to convey his men to Fortress Monroe, and in the charter-party signed by him contracted that the United States Government was to pay $1,250 per diem from May 24, 1861, to such date as the steamer should return to New York, and to an indemnity of $200,000 in case of loss of the vessel. This without authority and in violation of the terms of acceptance. In addition thereto the men embarked without having completed the prescribed organization.

May 30, 1861, the steamer arrived at Fortress Monroe, when Colonel Bartlett forwarded to General Butler a copy of the special order of the President authorizing, under the conditions named, the acceptance of the force, together with the morning report of the force, and requested permission to land his men.

The morning report then forwarded embraces a roster of the proposed regimental officers, and the name R. M. Shurtleff appears therein as "colonel's aid," which is the first and only mention of the name in connection with the force.

General Butler declined to permit the force to land for the reasons hereinbefore recited. He, however, communicated his action and the reasons therefor to the Secretary of War, and requested instructions.

May 31, 1861, the Secretary of War replied as follows:

"The Naval Brigade, about which your report, dated May 30, 1861, is just received, not being conformed to the terms of the agreement proposed on their behalf, will not be accepted into the service of the United States."

On May 31 or June 1, 1861, pending receipt of instructions from the Secretary of War, General Butler permitted the men to land, and on the 2d of June they submitted to General Butler the following:

The late Naval Brigade, not having been accepted, and about eight hundred men recently belonging thereto, being desirous of serving their country in any way that may be useful, have organized themselves in gangs of eighty men each, with one foreman and four assistant foremen to each gang, the whole under the command of the executive officers, now offer themselves to you for such purposes as you may designate, for one week from this date, without pay, except rations.

On behalf of the foreman, assistant foremen, and gangs.

HENRY D. WHITTMORE,
*First Executive Officer.*
JAMES MILLWARD,
*Second Executive Officer.*
D. HENRY BARTLETTE,
*Third Executive Officer.*

On the same date General Butler replied as follows:

"This proposition is accepted, but upon the express condition that the men will be subject to be dealt with as if enlisted, so far as regards their conduct; and also that they are to provide themselves with transport (?) from this post if they are discharged at the end of the term of the service of a week, a written agreement to be signed to this effect."

The same date (June 2,) the men held a meeting and resolved to reorganize themselves into a regiment of volunteers, and to that end tendered their services to the Government, through the hands of General Butler.

June 7, 1861, General Butler proposed to organize a regiment of infantry from the men referred to, and submitted his views and plans to the War Department, and on June 10, 1861, the Secretary of War approved the same.

Pending the organization of the regiment, Gustav B. Helleday was elected captain of Company B of the intended regiment; appointed August 21, 1861, but mustered in to date from June 14, 1861. This Captain Helleday, characterized by General Max Weber as a "daring and brave officer," was frequently permitted by General Weber (then colonel Twentieth New York Volunteers, encamped near Fortress Monroe), to go out in command of scouting parties composed of officers and men who volunteered for the purpose.

On July 18, 1861, Captain Helleday, accompanied by R. M. Shurtleff and others, but not acting under orders of Colonel Weber on that particular occasion, left Fortress Monroe and proceeded on a scout within the enemy's lines. The party was attacked and Mr. Shurtleff wounded and left in the hands of the enemy.

When captured, Mr. Shurtleff was a private citizen and not a commissioned officer or an enlisted man of any organization; and, so far as the records show, the nearest relation he bore to the service at that time was that he had come from the State of New York with the "Volunteer Naval Brigade" as "colonel's aid," a grade unknown to the Army.

The prisoner-of-war records show that Roswell M. Shurtleff, "artisan or citizen of New York," was captured at Yorktown, Va., July 28, 1861 (wounded); confined at Richmond, Va., and paroled and sent home February 22, 1862.

He appears to have remained at his home until July 12, 1862, when he presented himself as a first lieutenant of the Ninety-ninth New York Volunteers, and a paroled prisoner of war, to the assistant quartermaster-general at New York City, with an order from Brig. Gen. Harvey Brown, commanding headquarters, New York harbor, for transportation to Annapolis, Md.

Transportation was furnished, and he reported at Annapolis July 17, 1862; was assigned to the command of the New York troops at that post July 22, 1862, and relieved therefrom the following day, in compliance with instructions from this office, of which the following is a copy:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*July* 23, 1862.

SIR: I have the honor to inform you that there is at the camp of instruction a Mr. R. M. Shurtleff, who, it is stated, was formerly in Colonel Bartlett's Naval Brigade, and who now claims to be a lieutenant in the service of the United States. He was taken prisoner and paroled, and claims he acted under military orders.

In consequence, I am directed by the Secretary of War to request that you will cause him to be officially notified that the rolls of this office do not show him to be in the service of the United States, and that they contain no evidence of services being rendered by him. It is, therefore, proper that the commander of the camp of instruction should not recognize him.

I am, sir, very respectfully, your obedient servant,

THOMAS M. VINCENT,
*Assistant Adjutant-General.*

Maj. Gen. JOHN E. WOOL,
*Commanding Middle Department, Baltimore, Md.*

On November 3, 1862, Mr. Shurtleff, then in New York City, forwarded to the Adjutant-General a tender of resignation as first lieutenant and adjutant, Ninety-ninth New York Volunteers; and, by letter from this office, dated November 13, 1862, he was informed that he was not recognized as being, or as ever having been, in the service of the United States in any capacity whatever, and that therefore his tender of resignation could not be noticed.

The regiment organized by General Butler at Fortress Monroe from the men originally enrolled for "the Volunteer Naval Brigade" was at the outset designated the "Union Coast Guard;" but its designation was subsequently changed to the Ninety-ninth New York Volunteers, and John Franklin Bates was mustered in as the original adjutant of the organization to date from August 21, 1861. The records fail to show that Roswell M. Shurtleff was in any way connected with that regiment; and in fact of the twenty-seven persons named by Colonel Bartlett in his morning report of May 30, 1861, as officers of the "Volunteer Naval Brigade," but eight of them appear to have been mustered in as officers of the Ninety-ninth New York Volunteers.

It is proper to add that Mr. Shurtleff's claim for recognition as first lieutenant and adjutant "Bartlett's Volunteer Naval Brigade" and as first lieutenant and adjutant "Union Coast Guard," subsequently Ninety-ninth New York Volunteers, has been frequently rejected by the Department for reasons herein stated.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1064.

# IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 1747.]

The Committee on Military Affairs, to whom was referred the bill (S. 1747) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas, have considered the same and report it favorably with certain amendments, as indicated in the report of the Committee on Military Affairs of the House of Representatives, which report is adopted by the committee of the Senate and is as follows:

[House Report No. 1789, Fiftieth Congress, first session.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 6107) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas, have considered the same and submit the following report:*

It appears to be desired by the military officers of the United States that the land mentioned in this bill be sold to the company named for the purpose stated in the bill.

Your committee submit, as a part of their report, the subjoined letters from the Secretary of War, the General of the Army, and the officer commanding at Fort Leavenworth.

The water supply of the two thousand inmates of the post of Fort Leavenworth is furnished by this water company, and is the only source of supply for the fort. The land covered by the bill is cut off from the balance of the reservation by the tracks of the railroad licensed to enter the grounds, and is therefore not used by the troops or others connected with the fort, and is not valuable for military purposes.

We recommend that the bill be amended by adding the following at the end of section 2 thereof:

"Provided the report of the board of Army officers on the subject of the value of the land in question shall not be operative until the same is approved by the Secretary of War."

And that it be further amended by inserting after the word "lands" in line 3 of section 3 the words "approved as hereinbefore provided."

And that it be further amended by striking out the words "place and deposit to the credit of the United States," where the same appear in lines 3 and 4, and insert instead "pay to the Secretary of War."

And that it be further amended by striking out all after the word "lands" in line 11 of section 3 of the bill, and that as so amended the bill do pass.

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WAR DEPARTMENT,
*Washington City, February 17, 1888.*

SIR: In reply to your request of the 7th instant for the views of this Department upon House bills 1424 and 6107, Fiftieth Congress, first session, the former to provide for the sale of certain portions of the Fort Leavenworth military reservation to the Leavenworth, Northern and Southern Railroad Company, and the latter to authorize

the sale of a portion of the reservation to the Leavenworth City and Fort Le worth Water Company, I have the honor to invite attention to the inclosed rep the 14th instant from the Lieutenant-General, who approves of House bill 1424 such modifications shall have been made in it as will avoid conflict with Hou 6107, and when it shall incorporate certain recommendations made by him to th partment under date of the 24th ultimo.

The recommendations to which the Lieutenant-General refers are as follows: the boundaries indicated in House bill 1424 be changed so as to reserve to the U States a strip of land 300 feet wide east of and adjoining the wagon road bet Leavenworth City and Fort Leavenworth, south of Corral Creek; that some pro be made for the right of way over the land to be sold for other railways to be hereafter which it might be important to the Government to have approach the and that the bill be modified so as to exclude the land desired by the water pany.

The views and recommendations of the Lieutenant-General are concurred this Department.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of W*

Hon. R. W. TOWNSHEND,
*Chairman Committee on Military Affairs, House of Representatives.*

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HEADQUARTERS ARMY OF THE UNITED STATES,
*Washington, D. C., February* 14, 18

SIR: I have the honor to return herewith bills H. R. 1424 and H. R. 6107, Fi Congress, first session, referred by you for my report, with remark that the for these measures was covered by my indorsement of January 24, 1888, upon a co nication on this subject from the commanding general, Department of the Mis in which certain modifications of the former project (similar to bill H. R. 1424) recommended, and the latter by my indorsement of January 26, upon another from General Merrit, with reference to the water company.

I approve of bill H. R. 1424, after such modifications shall have been made in will avoid conflict with H. R. 6107 and when it shall incorporate my recomm tion of January 24.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
*Lieutenant-Gen*

The SECRETARY OF WAR.

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HEADQUARTERS ARMY OF THE UNITED STATES,
*Washington, D. C., April* 6, 18

DEAR SIR: In reply to your telegram of this date I now inclose copies of t dorsements you request.

Yours, very truly,

P. H. SHERIDAN,
*Lieutenant-Gen*

Hon. J. LAIRD,
*U. S. House of Representatives.*

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[Indorsements on request of Leavenworth and Fort Leavenworth Water Company for permis purchase additional land of the Fort Leavenworth Military Reservation immediately north water company for additional water-basins, etc.]

HEADQUARTERS DEPARTMENT OF THE MISSOUR
*Fort Leavenworth, Kans., January* 21, 1

Respectfully forwarded to the Adjutant-General of the Army.

The ground desired by the water company is judiciously located for the view. The building of additional settling-basins would be an advantage to the A bill is now before Congress providing for the sale of this ground, with adj land, to the Leavenworth, Northern and Southern Railroad Company, and h ceived the approval of my predecessor. I recommend that the bill be modified to exclude the land desired by the water company, and that the ground in quest sold to the company at a price to be determined by a board of officers.

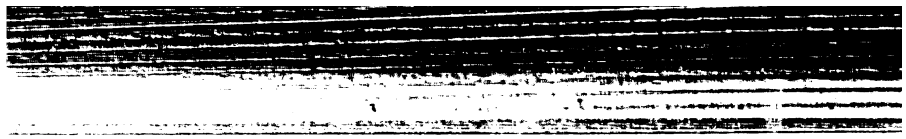
W. MERRITT,
*Brigadier-General, Comman*

Forwarded by Division of the Missouri.

HEADQUARTERS OF THE ARMY,
*January* 26, 1888.

Respectfully submitted to the Secretary of War, to whom the previous papers referred to in preceding indorsements were submitted by my indorsement of the 24th instant, recommending favorable consideration.

P. H. SHERIDAN,
*Lieutenant-General, Commanding.*



50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1065.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2333.]

*The Committee on Pensions, to whom was referred the bill granting a pension to George W. Fogle, have examined the same, and report:*

The applicant was a private in Company G, Sixty-second Ohio Volunteers. He enlisted October 7, 1862, and was discharged June 1, 1863. Shortly after entering the service he was taken sick from exposure and was sent to the hospital, from which he was discharged for disability. He filed a declaration May 11, 1882, alleging trouble with spine, kidneys, and disease of lungs. The claim was finally rejected by the Department after two special examinations, on the ground of insufficient evidence to show origin of disease in the service. The claimant is aged and completely broken in health, and although unable to furnish such evidence as is required by the Department, the special examiners in their reports give it as their opinion that the case is meritorious.

After a careful review of the evidence, the committee feels justified in recommending the passage of the bill.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1066.

IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1481.]

*The Committee on Pensions, to whom was referred the bill (S. 1481) granting a pension to Ellen White Dowling, have examined the same and report:*

The applicant is one of the army of noble and patriotic women who rendered such valuable service in caring for the sick and dying soldiers of the late war. She entered the Massachusetts General Hospital to prepare for field service, and while there cared for many wounded soldiers sent home from the first battle of Bull Run. She left this hospital intending to go to the field, when she was instated in the Armory Square Hospital as first volunteer nurse. Here she served faithfully until May, 1863, acting not only in the capacity of nurse, but as surgeon's assistant during painful operations, when her delicate woman's nature was subjected to the severest nervous strains. Her system has never recovered from the fatigues and shocks of this service, and the committee, after a careful review of the evidence, are convinced that she is entitled to national recognition, and therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1067.

IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1269.]

*The Committee on Pensions, to whom was referred the bill (S. 1269) granting a pension to Lydia K. White, have examined the same and report:*

The applicant left a comfortable home in 1861 and offered her services as a volunteer nurse in the late war. She occupied many posts during that war, performing her duties faithfully and well, until her health became seriously impaired and she was compelled to return to her home a shadow of her former self.

The character of her service is fully shown by the evidence of the surgeons under whom she served. She is advanced in years, entirely dependent on her own exertions for support, and thus situated she comes to Congress for relief.

After a careful examination of her case the committee feel justified in recommending the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1068.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2053.]

*The Committee on Pensions, to whom was referred the bill (S. 2053) granting a pension to Frederick Parker, have examined the same and report:*

The applicant was a teamster in the Quartermaster's Department during the Mexican war. In June, 1887, he applied for a pension, but his application was rejected on the ground that he was not duly enlisted, but was doing civilian's duty. The medical evidence shows that the soldier is suffering with chronic ulcers of right leg and right foot, but there is no testimony to show its incurrence in the service.

In consideration of this fact, together with the fact that he was not duly enlisted, the committee recommend that the bill be not passed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1069.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2328.]

*The Committee on Pensions, to whom was referred the bill (S. 2328) granting a pension to John P. D. Commerdinger, have examined the same and report:*

The applicant entered the service August 6, 1861, in Company K, Forty-eighth New York Volunteers. In 1862 while cleaning his rifle it was accidentally discharged and the thumb of his right hand carried away by the shot.

In June, 1862, while mounting heavy siege guns on the parapet of Fort Pulaski, he sustained a rupture in the left side. He was pensioned in June, 1884, at $8 per month from his discharge; $4 per month from November 30, 1869, and $8 per month from April 3, 1884, for hernia of left side and loss of right thumb. The pension for hernia was discontinued November 30, 1860, because the disability from that cause did not exist at that time, according to the report of the examining surgeon.

Application for restoration based on hernia was rejected and the rejection affirmed. He now asks Congress to grant him a supplemental certificate of $4 per month from November 29, 1869, to May 1, 1883.

In the opinion of the committee the applicant has been adequately compensated for his disability and therefore recommend that the bill be not passed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1071.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 777.]

It is shown that the applicant in this case, Sergeant John Rigney, by Senate bill 777, asks promotion in the Army and to be placed on the retired-list.

Sergeant Rigney appears, from numerous testimonials, to be a most worthy and deserving soldier. He is shown to have been about forty years in the service of the Army, not in the field, but during the whole period in the Ordnance Department at Watervliet Arsenal and at the United States Military Academy at West Point, N. Y., and is still in that service and sixty-seven years of age.

His record is shown to be without blemish, and he is commended as a faithful and good soldier by officers of all grades, including some of the most noted men of the Army.

He certainly deserves something, but as will be seen by the indorsements of the Adjutant-General of the U. S. Army and the Secretary of War, it is contrary to the policy of the Army that such recognition should be given in the form asked. Especially as Sergeant Rigney does not appear in the light of a soldier who was ever actually engaged in battle, though he has been an active laborer in the mechanical and office duties of the Ordnance Department of the Government. It is further shown by the Adjutant-General that under existing law he has the right, after his long service, to retire on his own motion as a sergeant.

In view of the opposition expressed in the indorsements on this application by the Adjutant-General and the Secretary of War, it certainly would be of doubtful policy to recommend the passage of this bill.

In his indorsement the Adjutant-General says:

> There is now a retired list for enlisted men on which Sergeant Rigney would be placed should he apply. The War Department has uniformly opposed special acts to commission enlisted men for the purpose of retiring them.
>
> There have been many applications of this sort on behalf of old men of long service in the field and in wars and battles; but the principle involved has, as stated, been opposed by the Department.

The Secretary of War indorses as follows:

> The Secretary of War "considers the stand usually taken by the War Department in such cases as shown in the indorsement of the Adjutant-General to be the correct one, and thinks it should be maintained."

The committee, not wishing to innovate upon precedent so long established in the cases of many of the best men of the Army, decline to ask it in this case, however worthy a man and meritorious a soldier Sergeant Rigney may be.

The bill is therefore reported adversely.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1073.

IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 506.]

Senate bill 506 seeks to remove the charge of desertion against Thomas Conroy, deceased.

From papers furnished by the Secretary of War, it appears that Conroy was enrolled and mustered into service October 1, 1861, to serve three years, in Company I, Sixty-ninth New York Volunteers, and served in that organization until September 17, 1862, when he was wounded in the head at the battle of Antietam, Md. For this wound he was treated in the hospitals at Frederick, Md., and Philadelphia, Pa., until November 14, 1862, when he was reported as having deserted at the latter place.

From the testimony of his wife and neighbors it appears that he was carried from the battle field at Antietam to the hospital at Philadelphia, and was given a transfer from the Philadelphia hospital to a hospital in New York City, but as his family lived in that city, instead of going to the hospital he went to his own home for treatment. He reported daily at headquarters until too sick to continue, and remained at his home continuously until his death, in 1870, which resulted from lung disease and the wound received at Antietam.

From the evidence of his wife, his physician, and others, it appears, also, that Conroy was prevented from completing his term of enlistment by reason of wounds and disease contracted while in the line of his duty; although the War Department decided to the contrary upon the same evidence when application for restoration was made to that Department in February, 1887.

There is no doubt but that Conroy violated the strict letter of the law by not returning to his command, and the charge of desertion undoubtedly seemed just. Yet from the more recent evidence furnished he is shown to have been too unwell to have done actual service for his enlistment period, and most naturally would desire to remain with his family, the hospital to which he was assigned being in the same city, until able to return to duty. The evidence further shows, however, that he was never able to return to duty.

The committee therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1074.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 118.]

The Committee on Military Affairs having under consideration the bill (S. 118) to amend the military record of Francis J. Conlan, who by order of court-martial was dishonorably discharged from Light Battery G, Fifth United States Artillery, October 15, 1867, here adopt House Report No. 1654 of Forty-ninth Congress and recommend that the bill do not pass.

[House Report No. 1654, Forty-ninth Congress, first session.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 2125) for the relief of Francis J. Conlan, report as follows:*

This bill is to direct the Secretary of War to issue an honorable discharge to Francis J. Conlan from Light Battery G, Fifth United States Artillery, as of date October 15, 1867, and to amend the military record of said Conlan *to show that he was not dishonorably discharged*, and pay him all pay, bounty, and allowances that may be due him without reference to said dishonorable discharge.

The military record of this man is shown by the following report from the Adjutant-General's office:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, D. C., March* 6, 1886.

Francis J. Conlan enlisted on the 15th day of October, 1864, and was assigned to Battery G, Fifth Regiment of United States Infantry. The muster-roll of said battery for March and April, 1866, reports him "absent in confinement awaiting sentence of a general court-martial." He was tried for a violation of the ninth article of war, viz: "Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretense whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offense, be inflicted upon him by sentence of a court-martial;" was found guilty, and sentenced to be dishonorably discharged the service of the United States and to be confined at hard labor for the period of two years at Columbus, Ohio. Proceedings of court promulgated in general court-martial order No. 22, Department of Arkansas, April 30, 1866. The muster-roll of company for May and June, 1866, shows that he was discharged May 2, 1866, at Little Rock, Ark., in accordance with sentence of the general court-martial, a private.

J. C. KELTON,
*Assistant Adjutant-General.*

There has been furnished the committee, in support of the bill, the affidavit of Thomas Young, formerly of Light Battery G, to which Conlan belonged. He says:

"I remember the facts of the case, as they were known to all the members of the battery. Private Conlan had been absent from the quarters on a pass, and was return-

ing under the influence of drink. He met Colonel Arnold, who ordered him to the guard-house. Instead of complying, Private Conlan stood, and he and Colonel Arnold had some words, which ended by Colonel Arnold striking Conlan, and after a struggle between them assistance came to Colonel Arnold, and Conlan was taken to the guard-house and tied up to a cart-wheel. After being tied up for a time he was put in one of the cells and kept until morning, when he was taken before the court-martial, which was then in session. He was not allowed to return to his company quarters after his trial. He was conveyed immediately to the Arkansas prison, outside the city of Little Rock, Ark. * * *

"When the sentence of the court-martial was read to the members of the battery we all were surprised at the severity of it, particularly in the case of Conlan, who was considered one of our best men, and we all thought that the most he would get would be about a month in the guard-house, with perhaps a ball and chain or a fine of $5."

The affidavit of Conlan himself does not differ materially in its statement of the occurrence out of which his arrest arose from that of Thomas Young, as above; but he charges that Colonel Arnold, after he had, with assistance of Lieutenant Post, overcome him, beat him inhumanly. That he had no opportunity to prepare for his trial, which came on the next day, and that his accuser, Colonel Arnold, was the president of the court that tried him and sentenced him, although, as affiant states, he had himself excused from sitting in this case, yet he remained in the room "until they had fixed up everything to suit." The sentence of the court was that he should be "dishonorably discharged from the service of the United States, and be confined at hard labor for two years at such military prison as the proper authority may direct."

The sentence was approved by the department commander, and the Ohio State prison, at Columbus, was selected as the place of confinement.

Conlan was dishonorably discharged, and served out his time in the Columbus prison, making a hundred days "good time" for good conduct, and was discharged February 8, 1868.

James F. Gregory, lieutenant-colonel and aid-de-camp, certifies, under date of December 21, 1883, in a letter to Conlan, as follows:

"From the time I joined the battery (December, 1865) until the day you were placed under arrest (I think in the early summer, 1866), you were considered, I believe, by all the officers—certainly by myself—one of the best men in the battery."

It appears from an unsworn statement of said Conlan, addressed to Hon. John A. Logan, and filed with the committee, that subsequent to his discharge from confinement Conlan enlisted in the Navy of the United States, and served an entire term of enlistment on board the steamer *Benicia* in the Chinese waters, and was discharged with what is known as a "big discharge" and a "good-conduct badge," in October, 1872.

Since then he was for some years a commissioned officer in the Pennsylvania National Guard. From the evidence before the committee the unfortunate affair for which he was court-martialed seems to be the one blot upon his record, and having regard to both his previous and his subsequent life, the committee must deeply regret that it should have occurred.

It is a very trite saying that men do in a moment what they regret for a life-time.

Nor can we resist the conclusion that his trial took place too near to the offense, and under circumstances that rendered it probable that his punishment was more than commensurate with the offense.

But no amount of sympathy can change the fact. He was guilty of a violation of the ninth Article of War, the extreme penalty of which is death.

He disobeyed the lawful command of his superior; he did "offer violence" to his superior officer; he was convicted by due course of military procedure; he was dishonorably discharged the service, and did serve a term of two years in the State prison at Columbus for what, in civil life, would have been considered a trivial offense.

We can not certify to the contrary. We can not now put an honorable discharge in place of a dishonorable one, however much we may believe that his punishment was an excessive one.

We think that it is too late now to change this record of twenty years ago, and so recommend that the bill do lie upon the table.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1075.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 507.]

*The Committee on Military Affairs, to whom was referred the bill (S. 507) to remove the charge of desertion from the Army against Thomas Morrison, having considered the same, report as follows:*

It appears from the official record of the War Department herewith filed that Thomas Morrison, who was enrolled at Hartford, Conn., on August 20, 1862, for three years as a corporal of Company C, Twentieth Connecticut Volunteers, received a furlough at Stafford Court House, Va., on February 19, 1863, for ten days, and that failing to return to his command he was reported a deserter on February 28, 1863.

Morrison alleges that he was ruptured on the march from Point Pleasant to Stafford Court House, and that he, after being furloughed, continued to grow worse and was never able to go back to his regiment.

With the very bare and unsupported evidence of Morrison, it would seem that the ruling of the War Department was correct. In the absence of any record evidence of the alleged rupture, and in view of the fact that the short period for which a furlough was granted indicates that it was not based upon physical disability such as is claimed in this case, the evidence was deemed insufficient to establish that the claimant was prevented from completing his term of service by reason of wounds or disease contracted in the line of duty.

Although two or three witnesses have stated at this late date that Morrison was ruptured when he returned to his home, yet J. W. Terry, surgeon of his regiment, states that "he has no recollection of the allegations made by the applicant."

The committee therefore report adversely, and recommend that the bill do not pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1076.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2581.]

This bill proposes to increase the pension of Alfred A. Reed from $4 per month, the amount he is now receiving, to $12 per month.

Captain Reed enlisted as a private soldier October 21, 1861, and was mustered out of the service as captain of Company I, Sixty-fourth Regiment Ohio Volunteer Infantry. On June 21, 1876, he made application for pension, alleging as a basis for his claim "wound of head by piece of shell or of a piece of rail in the breastworks, broken by the shell, at the battle of Atlanta, Ga., July 22, 1864." This claim was established and he was pensioned at the rate of $4 per month, commencing December 4, 1865.

He subsequently, January 2, 1886, made application for increase of pension, alleging an additional disability, viz, "piles, contracted at Murfreesborough, Tenn., April, 1863." This claim was rejected by the Commissioner of Pensions October 20, 1886, "upon the ground that the pensioner is receiving the full amount to which he is entitled for said wound, and that he has not been disabled in a pensionable degree by reason of piles, an additional disability alleged since the date of filing the claim therefor."

The War Department records furnish no information as to the disability for piles. The claimant swears that while engaged in building fortifications at Murfreesborough, Tenn., in the month of April, 1863, he contracted piles, and was so greatly disabled that an operation became necessary to save his life; that this operation was performed by Drs. Abraham McMahon and Volney G. Miller, and that the same, although affording him great relief, by no means effected a cure, and that he has been disabled by hemorrhoids ever since * * * to such an extent that he can do but very little farm labor.

Dr. Amos Porter swears that he was assistant surgeon of the Sixty-fourth Ohio, and distinctly remembers that he excused the claimant in the latter part of July, 1863, and the disability for which he was excused as unfit for duty was piles.

Dr. V. G. Miller (now member of examining board at Lawrence, Kans.), in response to an office letter states that he distinctly remembers assisting Dr. McMahan in removing several hemorrhoids from the rectum of Alfred A. Reed. The piles were the result of working on the fortifications at Murfreesborough, Tenn.

The board of examining surgeons at Ottawa, Kans., in their report under date of March 24, 1886, say:

> We find no piles, external or internal. * * * Claimant apparently in excellent health. No pensionable disability.

In view of this positive and emphatic declaration of the physicians composing the board of medical examiners for pensioners at Ottawa, Kans., your committee are of the opinion that no injustice has been done the claimant by the Commissioner of Pensions in rejecting the claim for additional disability on account of piles, and therefore report the bill back adversely and move its indefinite postponement.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1077.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2058.]

*The Committee on Pensions, to whom was referred a bill to increase the pension of John Taylor, have examined the same and report:*

This bill is for the relief of John Taylor, late of Battery M, Third New York Light Artillery, and it directs the increase of his pension from $12 to $16 per month.

The nature of the soldier's disability is described in the report of Examining Surgeon Potter, as follows:

Minie-ball entered right side of face, fracturing the lower jaw near the mental foramen; direction, transversely across the anterior aspect of the neck from right to left; exit, upon the left side of neck, immediately underneath the left mental foramen. The ball in its passage has injured the larynx; the muscular action of the lower jaw is circumscribed, making mastication difficult.

An injury to the shoulder is also recognized, whereby the action of the arm is impaired.

He was first allowed a pension of $8 a month, which was increased to $10 a month. An application for further increase was rejected, and Congress passed a bill rating him at $12 a month. In the first session of the Forty-ninth Congress a bill was introduced to increase his pension to $16 a month. This bill passed the House and the Senate, and was vetoed by the President. The present bill was introduced in the Senate on the 20th of February, and was referred to this committee. This is the history of the claim.

In regard to the incurrence of the disability there is no dispute, nor is there any difference of opinion as to its permanence. The question at issue is as to its extent and the rating that should be allowed. The testimony upon this point is furnished by the reports of the examining surgeons, of which there are several. The descriptions of the wound and its disabling character all agree.

In the report of the committee of the House made in the previous Congress, and adopted by the Senate committee, we find the statements of two examining surgeons, as follows:

"Examining Surgeon S. A. Lumly certifies to gunshot wound fracturing inferior maxillary right jaw; ball entering lower border of the inferior maxillary, passing inwards and emerging from left jaw below inferior maxillary, removing several molars and causing partial paralysis of vocal organs and impairing speech; considerable pain in cold weather; atrophied condition of left jaw; facial neuralgia; health impaired; degrees of disability permanent."

Examining Surgeon George Kellogg and others certify substantially as last above, and add, that articulation is much impaired; that claimant at times is unable to speak; has difficuly in mastication. Claimant says his articulation was perfect before he was wounded; has loss of power in left arm and hand; circulation slightly impaired, probably due to injury to filaments of cervical plexus.

We find also the report of Examining Surgeon Bascom, who says:

The lower jaw has been badly fractured, and all the molars of the right side knocked out. The tongue is partially paralyzed, causing considerable difficulty in speaking, and the motion of the jaw is impaired.

Examining Surgeon Reyburn gives a description of the effects of the minie-ball, which corresponds with the statements of the other surgeons, and in reference to the disability of the left shoulder he says "there is slight atrophy of muscles of that shoulder and arm, *with loss of power in the arm and hand;* permanent; no evidence of vicious habits."

The report of the board of surgeons in its descriptive statements corresponds to the above referred to, and in the rating includes disability of arm and shoulder.

In one of the reports strasbismus is mentioned with some impairment of vision.

During the investigation of this case by the committee of the House the claimant appeared in person, and the committee say:

It is evident that he is incapable of using his left arm so that he may earn his livelihood by manual labor; that he is also afflicted with a painful and embarrassing stammering of his speech, arising from the gunshot wound above referred to. From the evidence presented, and his personal examination by the committee, they are of the opinion that he is entitled to a further rating than he already has, namely, $16 per month.

Summing up the effects of this very painful wound, as shown by the Pension Office surgeons, the committee find—paralysis of vocal organs and impaired speech, difficulty in mastication, in consequence of impaired motions of the jaw, affection of the larynx, facial neuralgia, and considerable pain in cold weather; health impaired; loss of power in the arm and hand; occasional total loss of speech; obliquity of vision.

In the opinion of the committee this catalogue furnishes an ample stock of suffering and inconvenience. The disabilities were incurred in a service which the Government designs to recognize justly and liberally. In vindicating this claim we are not influenced by any excess of magnanimity, nor by any disregard of the rules of economy that should govern in such cases; nor does the committee distrust its capacity to adjudicate this case on the evidence furnished, with proper regard to what is due to this suffering soldier and to the Government; and, although the bill is menaced with the executive disapproval, it is none the less the duty of the committee to submit a report consistent with the facts and with the action of the previous Congress.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1078.

IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2578.]

Nathan B. Rarick, the claimant under this bill, enlisted August 21, 1861, and was discharged August 5, 1863. He was a private in Company F, Thirty-ninth Regiment Illinois Volunteers. On January 20, 1864, he made application for pension, alleging in his declaration that, "at Folly Island, South Carolina, April 15, 1863, he contracted a fever, which resulted in spinal irritation." The claim was rejected April 5, 1882, on the ground "that the alleged disability is not traceable to his military service and his declared inability to furnish better proof." The claimant subsequently filed an affidavit (March 8, 1882), in which he states that "his disability was not developed so as to be recognized in service."

The War Department reports "no record" of the alleged disability.

It appears from an examination of the papers that the claimant was discharged from the service, on a surgeon's certificate of disability, "because of general debility, overage, and periodical attacks of diarrhea."

The testimony showing prior soundness is as follows:

R. L. Whitney "worked with him before service; was then and had been throughout acquaintance with him, strong and robust."

T. R. Heald swears he was "specially free from spinal irritation."

Orrin L. Mann swears "claimant was able-bodied and in good health."

Capt. Amasa Kennicorta swears "that in the service claimant was always able for duty between August 1861 and August 1862," which is corroborated also by Lieutenant Mann, who swears "he was discharged for disability."

After his discharge, R. L. Whitney swears that he came home feeble and disqualified for manual labor. When first met after discharge claimant was under medical treatment. That physician (now dead) told affiant that claimant's disease was caused by over-exertion and exposure.

T. R. Heald swears to an intimate acquaintance with claimant from discharge to October 31, 1881, and has "personal knowledge that he was suffering with some spinal affection at date of return from service and has been ever since."

The claimant swears that all the physicians who treated him for his disability are dead except Dr. Goucher, who is now mentally incapacitated as well as physically, and therefore unable to testify; that his disability was only developed as spinal disease after discharge, and that his neighbors know nothing of his case only as he has told them.

Dr. R. T. Buckley, Freeport, Ill., examining surgeon, under date of October 6, 1863, rates him at one-half for spinal iritation, and describes his case more fully by saying that "the disability is temporary, and he is suffering with spinal iritation, with a predisposition to epilepsy."

Bernard W. Slagle, examining surgeon at Ionia, Kans., reports disability as probably permanent, and rates him at one-half. "Has hemiplegia left side, and is gradually assuming the form of complete paralysis, supposed to have been brought on by exposure."

The claimant is now seventy-three years old; is poor.

The testimony that he was sound at and prior to enlistment is uncontradicted; that he was feeble and unable to perform manual labor after discharge is also established; and, taking into consideration his extreme age—

Your committee are of the opinion that the name of Nathan B. Rarick should be placed upon the pension roll, and therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1079.

IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2616.]

James E. Kabler, the claimant under this bill, enlisted as a private soldier in Company I, Tenth Regiment Kentucky Cavalry Volunteers, on the 10th day of August, 1862, and was discharged September 17, 1863.

On May 18, 1870, he made application for pension, alleging in his declaration "that on December 7, 1862, at Ashland, Ky., he contracted quinsy of the jaws and throat, caused by exposure while in the line of duty."

The claimant swears "that the quinsy has affected his whole system, causing him to break out in sores over his body, and while so broken out he is unable to perform manual labor. These spells occur in the spring and fall and lay him up one or two months each time, and that he has been disabled one-half since discharge" * * * "that he is unable to furnish further medical testimony."

The Surgeon-General reports him sick, November and December, 1862 Dr. J. F. Fleming, regimental surgeon, swears to treatment of claimant for an affection of the throat, of the nature of quinsy, from September to December, 1862.

Lieut. Geo. L. McCord swears that claimant contracted quinsy of the jaws and throat, by reason of exposure at Ashland, Ky., December, 1862.

Dr. R. Wells swears that claimant was free from disease when he entered the service, and that he has treated him for quinsy of the jaws and throat from September, 1866, to March 29, 1871.

F. F. Asbury and B. F. Henderson swear that claimant suffered from and was afflicted with quinsy of the jaws and throat from the time of his discharge to September, 1866, and is suffering from the same at the present time.

Dr. Shackelford, medical examiner, rates him, under date of November 10, 1870, at one-fourth.

Dr. Gasten Boyd, Newton, Kans., April 1, 1874, finds "no disability."

Comrade Robert Cooper swears that he knows claimant had quinsy of the throat and jaws at date of discharge, as he was a messmate of claimant and has personal knowledge of the fact. This is corroborated by Comrade Mason Cooper.

Drs. Henry Owens and P. A. Medlin, Wichita, Kans., swear to an examination of claimant, and find him suffering from an affection of the throat and jaws, which disables him one-half from the performance of manual labor, and that they believe his disability to be the effects of quinsy.

Drs. R. Wells and Nathan Wells; same as above.

Joseph E. Willis, Henry Vandewarker, and Josiah Porter, neighbors, testify to continuance; * * * that he is frequently confined to his bed, * * * and totally incapacitated for the performance of manual labor one-fourth of the time, * * * and that his condition is such that he ought not to labor at all.

On December 21, 1881, he was examined by the Wichita board, who report "no disability from that cause" (quinsy). Dr. James R. Duncan, medical examiner, Newton, Kans., March 21, 1883, says:

> The claimant is partially incapacitated for obtaining his subsistence by manual labor * * * and that the disability is probably permanent, * * * and in obedience to special instructions he rates only for quinsy one-fourth.

The Commissioner of Pensions rejected the claim August 25, 1882, on the ground of no disability, due to results of quinsy, on account of which pension is claimed, since the date of soldier's discharge.

The testimony shows that the disability was contracted in the service, and its continuance clearly established; he is now poor and scarcely able to earn a support for himself and family, and we therefore report the bill favorably, with the recommendation that it pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1080.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 5311.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Alonzo H. Gregory, have examined the same and report:*

This bill passed the House, and the report, which is as follows, is adopted:

The substantial facts in this case, as gleaned from a mass of papers on file at the Pension Office, are that soldier alleges that on the 7th day of November, 1862, at Fairfax Seminary, Virginia, while at work on a fort, he sustained an injury which resulted in rupture of the right side. It appears that a few days after the alleged injury soldier was admitted to the regimental hospital, where he remained nearly two months, but the records are imperfect, and do not show for what he was treated, and many years afterward the assistant surgeon certifies that he does not think claimant was treated for hernia at the time.

One comrade, who is certified to as a reliable and truthful witness, says:

"Said soldier incurred a rupture in the right groin while at work with me and other soldiers building a new fort. The rupture was incurred while soldier was lifting and pulling to get out some stumps to use in building the fort. I was with said Gregory at the time, and saw the rupture the same day, and know that he went to the hospital for treatment."

Dr. C. R. Keach swears that he knew soldier to be sound at enlistment, and was called to attend him for rupture immediately after he returned from the Army.

The claim was rejected on the ground of insufficient testimony. It appears to your committee, however, that it is made out that soldier was sound at enlistment and had a hernia at discharge, which is pretty conclusive proof that he must have incurred the disability while in the Army.

The bill is reported favorably with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1081.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 6971.]

*The Committee on Pensions, to whom was referred a bill to pension Peter Clark, jr., have examined the same and report:*

This bill was passed by the House, accompanied by the following report, which is adopted:

Peter Clark, jr., was mustered into the service as a private on the 31st day of December, 1861, at Springfield, Ill., in Company H, Second Regiment of Illinois Light Artillery Volunteers. On the muster-roll of Company H of that regiment for the months of July and August, 1862, he is reported, "corporal, sick in post hospital Columbus, Ky." Return of said company for March, 1863, reports him "absent sick since August 25, 1862; was left by the company in hospital at Columbus, Ky." He was honorably discharged September 18, 1862, at Columbus, Ky., "by reason of general disability resulting from camp fever," as appears from the discharge papers on file.

In his declaration for pension, filed February 4, 1873, he alleges that while at Columbus, Ky., in July, 1862, he was ruptured while assisting in removing artillery for two or three weeks, at which time he became very tired and stupid and unable to do duty, and was sent to the hospital last of July, 1862. The claim was rejected August 25, 1887, on the ground, as stated, "of no record in the War Department of alleged hernia, and of the declared inability of the soldier to furnish the necessary evidence to establish the origin of hernia in the service and line of duty."

There is abundant proof that the soldier was a sound, healthy man, entirely free from hernia when he entered the service, and there is no evidence whatever to the contrary; therefore it may be assumed as a fact that if hernia exists, as is alleged, it must have occurred during the soldier's services in the Army or after his discharge.

Dr. Westfall, the soldier's father's family physician, testifies that he did not examine or treat him after his return from the Army, that he can recollect. Not long after he returned from the service he says he was compelled to wear a truss, but can not say just how long it was.

Dugald Clark, brother of the soldier, testifies that he learned that his brother was completely prostrated and confined in a hospital at Columbus, Ky. He went at once to his assistance, and on his arrival there found him very sick and unable to travel. He continues: "He (the affiant) waited about three weeks for the said invalid to gain sufficient strength to be carried home, and at the end of the time, three weeks, he (the affiant) started with the said Peter Clark, jr., and with great care and difficulty succeeded in getting him home." The affiant further declares that his brother was a mere skeleton, and a complete physical wreck, and upon his arrival at home and upon becoming better acquainted with the nature of his sickness in detail he discovered that the claimant was badly ruptured, and he saw him at various times attempt to replace the protuberance. He further declares that up to the present time he has not recovered, and is growing worse. His knowledge is derived from the fact that his relations were of the closest kind, acting as a nurse and caring for him.

Andrew Steubeck, late captain of Company H, Second Illinois Light Artillery, testifies "that he is very well acquainted with Peter Clark, who was a member of the same company; that said Peter Clark assisted in hauling artillery up the bluff at

Columbus, Ky., on or about the 10th or 15th days of July, 1862. The weather was very warm, the men were very much fatigued, and the said Peter Clark contracted diarrhea and fever, and was sent to post hospital at Columbus. He also claimed to have been ruptured at the same time. This affiant further declares that said Peter Clark was an excellent soldier and always ready for duty."

William Geer testifies as follows: "That he is well acquainted with the claimant, and was a member of the same company and regiment in the war of 1861; that in the spring of 1862, at Columbus, Ky., while prying up out of the mud the cannons that the rebels had dismounted, the claimant had hold of a skid which slipped and went down, and the claimant was injured in some way by the fall, and was sent to the hospital, and remained there until discharged from the service. Affiant states that he was present when claimant received said injury, but he can not now remember the exact manner in which it was received, nor the exact character of the injury, but that he has personal knowledge of the fact as above stated."

The said William Geer, in reply to a letter of inquiry from Commissioner Black, says: "The surgeon, Dr. Ransom, who treated Peter Clark's injuries, is dead."

Alexander Jones and Isador Walter, both members of Company H, Second Illinois Light Artillery, testify that they are well acquainted with Peter Clark, jr., who was a member of said company and regiment; that while at Columbus, Ky., they, with the said Clark, were employed at Columbus, Ky., for over three weeks, removing artillery, some time in the latter part of July, 1862; that said Clark was rendered unable to do military duty and sent to the hospital at Columbus, Ky.; that they have no knowledge of the particular disease, but from the case as it has since developed itself have no doubt but what the said Clark was ruptured removing said artillery.

Henry H. Ross makes affidavit that he was acquainted with the said Peter Clark, and that he examined him a few days after his return home from the hospital, or about the last part of the month of September, 1862, and found him suffering from hernia and sold him a truss, and also told him that would be all that could be done in the way of help, and thought the truss might help and perhaps cure it.

James Clark testifies that he "saw him after coming home from the Army, and he was nothing but a skeleton, and was also told that he was ruptured."

Edgar L. Phillips, George W. Foot, and Lee S. Lambert, examining surgeons, say: "We find a large inguinal hernia of left side, disability one-half of total, or $4 per month."

The committee, having carefully examined all the papers on file in this case, believe that the relief asked for in this bill ought to be granted. We are of the opinion that the soldier has established the fact beyond a reasonable doubt that the hernia for which he asked to be pensioned was contracted in the Army while in line of duty.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1082.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 8185.]

*The Committee on Pensions, to whom was referred a bill granting a pension to David S. Partlow, have examined the same and report:*

This bill passed the House on the 13th of April, and the report, which is as follows, is adopted:

It appears from the papers on file in the Pension Office that David S. Partlow enlisted September 16, 1862, in Company A, Fifth Minnesota Volunteers. He died in the service, of disease, August 7, 1863. The soldier's sister went to Fort Snelling in summer of 1863 to help care for the sick, and while there was taken sick and died September 1, 1863. After the daughter was taken sick the mother went to take care of her, and was herself taken ill and died September 22, 1863. Thus, in less than fifty days, the old man was deprived of his family. The Pension Office can afford no relief, because at the time of the soldier's death the father was not dependent upon him for support. In later years, by reason of old age, disease, and the loss of his property, he became, and now is, a subject of charity.

Your committee believe that the simple statement of this case is sufficient to secure the passage of a bill for the relief of this old man by a unanimous vote.

The bill is reported favorably, with the recommendation that it do pass.

Mr. SAWYER, from the Committee on Pensions, submitted the fol lowing

# REPORT:

[To accompany bill H. R. 5195.]

*The Committee on Pensions, to whom was referred a bill granting a pe sion to David W. Seely, have examined the same and report:*

This bill passed the House, and the report, which is as follows, adopted:

The applicant in this case was a member of Lieut. R. Crandall's company, of t Minnesota State militia, called out to fight the Indians in 1865. In 1866 he filed application in the Pension Office for pension, which was rejected on the ground tl the injury was not received in actual engagement with the Indians.

It seems that while he was in pursuit of the Indians with his company, by the cidental discharge of his gun he was wounded in the left arm, rendering amputat necessary. The facts as herein set forth seem to be fully established. Had wound been received in an actual engagement with the Indians claimant wo have been entitled to, and would have received, a pension under the general laws

Your committee feel that the man was actually engaged in protecting the fron from the hostile Indians and that the technicality ought to be waived.

The bill is reported favorably, with a recommendation that it pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1084.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 4579.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Mary G. Crocker, have examined the same and report:*

This bill passed the House, the report being as follows, and which is adopted:

Mary G. Crocker is the widow of George W. Crocker, late a sergeant of Company A, Seventy-fifth Regiment New York Volunteers.

The papers in the Pension Office show that the soldier received a gunshot wound at Port Hudson, La., May 27, 1863. The examining surgeon, in his certificate describing the soldier's disability, states as follows:

"Musket ball entered thorax at left superior margin of sternum; passed through right lung; emerged at anterior margin of right axilla, fracturing second rib and injuring pectoral muscle. Fracture of rib ununited; left shoulder atrophied and weak."

The soldier was drawing a pension at time of death, which occurred March 12, 1882.

The widow applied for a pension July 6, 1882, which was rejected on the ground that the disease, typhoid pneumonia, from which he died, was not the result of his military service.

The evidence shows that the soldier received a gunshot wound, the ball passing through the right lung, fracturing a rib, which remained ununited.

Dr. Lester, late surgeon of Fourteenth New York Cavalry, states in his affidavit:

"I saw him (the soldier) while a member of his regiment, in Louisiana, after he received his wound and before, many times.

"He was in good health previous to his injury, and his family were a long-lived race. After he was wounded and came home I frequently saw him, he living near my father's residence. He was emaciated and feeble; could not walk ten rods without great difficulty of breathing and prostration. I saw him about a year before he died, and he walked up the street with me, and his shortness of breath and difficulty of breathing made it necessary for us to stop to let him get his wind, as he termed it. I believe that the wound he received so impaired his lungs by adhesion and contraction around the track of the bullet that he would be an easy victim to pneumonia, and I further believe that if he had received no injury of that kind he would have been living to-day."

Dr. Coleman, in his affidavit, speaking of the soldier, states:

"For some time previous to the attack of pneumonia which proved fatal he suffered from severe neuralgic pain in the region of the wound. His physical condition was not good, and his constitution so impaired as not to withstand the onset of the disease, as a healthy man would by reason of his ability."

When the case was pending in the Pension Office, the case was referred to William M. Goodlove, medical examiner, for his opinion, who, in his report to the chief of the law division, states as follows:

"The condition of this soldier when living, as shown by the different boards of examining surgeons, was such as shown, that the least exposure, however unavoidable, would reasonably result in pneumonia.

"But the Auburn, N. Y., board of examining surgeons describe a wound (and its effects) to the chest, so susceptible to the attack of pneumonia that it must in pathology be accepted as a sequence not altogether uncommon, and in my opinion the case should be admitted as medically established."

This report was approved by the medical referee.

The committee can but agree in the opinion of the medical examiner, that it is medically established that the death of soldier was the result of the wound received while in the service of his country.

The bill is reported favorably, with a recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1085.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 4491.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Rosanna Robey, have examined the same and report:*

This bill passed the House and the report is as follows, and is adopted:

Rosanna Robey is the widow of Phineas S. Robey, who served as private (unassigned) in the Third Regiment Wisconsin Cavalry, and died July 30, 1875. The soldier while in service received serious injuries while breaking in horses, for which he was pensioned. His disabilities for which pensioned are described as follows by the examining surgeon: "Left testicle disorganized and absorbed. The right testicle is hypertrophied and painful. Is obliged to wear a suspensory bandage night and day. The left knee was fractured. Has shortening of about an inch of left leg. Suffers constantly with chronic synovitis."

The widow's claim was rejected by the Pension Office on the ground that the soldier's fatal disease, typhoid fever, was not chargeable to his army service. This action was based upon the testimony of Dr. W. A. Hughson, who was called in the case but a short time before the soldier's death. He states that the disease at time of death was typhoid fever, which proved fatal from the utter lack of reactionary power in his system. In so far as his nervous power was concerned, he was entirely paralyzed, it being utterly impossible to arouse any action, even with artificial aid. Knee of left limb deformed, the result of a violent bruise. Both testicles injured, especially the left. In the scrotum an abnormal excrescent growth necessitated the use of suspending apparatus. The brain and spinal cord were also so far injured that an impairment of intellect and a degree of general paralysis resulted. The type of the fever in the beginning was mild and should in an ordinary case have resulted in no evil, but was rendered fatal by the previous condition of the patient.

It is also shown that for some time before the fatal attack soldier became so entirely disabled by reason of the injuries received in service, that he required the regular aid and attendance of another person.

While it may be true that the immediate cause of the soldier's death was typhoid fever, yet the wretched condition of the soldier, due to his military service, must necessarily have entered so largely into the fatal result that it should not be ignored in the consideration of the widow's title to pension. He could have survived but a short time had not his already pitiable condition been complicated with this acute disease.

The bill is reported favorably with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1086.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2763.]

*The Committee on Pensions, to whom was referred the petition of William L. Eddy, have examined the same and report:*

The petitioner was a private in Company F, Seventh Massachusetts Volunteers. He enlisted in this organization June 15, 1861, and was discharged August 13, 1861. It appears that he re-enlisted in the Eighteenth Unassigned Company Massachusetts Infantry, of which there is no record. His discharge certificate names cerebritis as the cause "which has been the result of disease occurring since enlistment."

His application for pension alleges sun-stroke, incurred at Kalorama Heights, District of Columbia, resulting in typhoid fever and subsequent total blindness. The testimony is explicit as to all these, but his claim is for blindness, which is rejected, as being the result of immoral habits.

Z. F. Bliss, captain of his company, says soon after they came to Washington, Eddy became partially insane, and the surgeon said it was from partial sun-stroke; that he had typhoid fever, and after he was sick he was "crazy," so that they had to put a guard over him. Bliss also heard that he had syphilis in the Army. He knows this "from general talk among the boys."

The sun-stroke and ensuing typhoid fever were very likely to produce derangement of the brain, both mental and in the form of "cerebritis."

Bliss adds that the claimant joined the Masons, the lodge of which he was a member; that they raised $60 for him to go to Boston to have his eyes operated on; that instead of using it for that purpose he went away with a lewd woman and spent the money.

Mr. Bliss does not explain how a blind man succeeded in this, probably because it is not true, as is shown by the following letter:

SUMMIT, MASS., *April* 13, 1886.

This certifies that I went with Wm. L. Eddy to Boston, under the advice and consent of the Masons, to get medical aid; that I took him from the hospital, and after returning from Boston I put him aboard of a hack for the hospital; that he had no money to spend on that day; that I paid all expenses of round trip. I further certify that he had no communication with disreputable women on that day.

F. A. SHURTLEFF, M. D.

Benjamin F. Cunningham, comrade, knew claimant was sick; no recollection of sun-stroke; never heard of his having venereal disease; knows that he is blind.

H. A. Cushman, comrade, first knew claimant when he joined the company. After the march from Kalorama to Brightwood it was said he had sun-stroke. Knew he was sick. Supposed he had venereal disease while in the Army, but could not swear it.

Albert B. Hodges, city marshal of Taunton, testifies to syphilis; that claimant lived with a lewd woman; means of knowledge, boarded in the same house with him.

This statement stands for what it is worth.

Emma H. Lincoln says the claimant is her adopted brother. Her mother took him when three months old. He was always healthy before the war; came home a mere skeleton and had been deranged.

George A. Washburn accuses him of syphilis and drink.

Z. B. Adams, late surgeon of the Seventh Massachusets Volunteers, says he has known claimant since he went into the Army; examined Company F before they were mustered in, and can say he was sound. From his record he finds that he treated claimant at regimental hospital, July 22, 1861, and on the 24th his symptoms indicated fever, delirium, bowels loose but not diarrhea, headache with pain and weakness; pain in the right side, high temperature, face flushed, skin hot. His impression is these symptoms were caused by sun-stroke.

The above and similar testimony is the result of special examinations, and was, of course, intended to defeat the claim.

Referring to the damaging testimony of Captain Bliss, quoted above from the special examination, the committee find that this witness in his direct evidence swears—

> That in the line of duty, at Camp Kalorama, D. C., claimant was sun-struck and rendered unconscious; was sent to regimental hospital, and was there sick with typhoid fever, was delirious, and was afterwards discharged as unfit for military duty.

In direct testimony Surgeon Adams treated him for typhoid fever, delirium, due to sun-stroke received in line of duty. A number of witnesses testify to his blindness and to his otherwise good health.

It is a peculiar case, and the testimony is contradictory. The committee have no means of accurately estimating the statements for and against the claimant. The evidence, medical and lay, as to the possibility of blindness being a result of immoral conduct, is in no instance positive. On this point it all seems to be entitled to the weight of the statement of Captain Bliss, who derived his knowledge from "the talk of the boys."

Sun-stroke, typhoid fever, intervals of lunacy, were very likely to produce the disease of the brain which it is admitted produced blindness, and it would seem more reasonable than to refer it to a disease concerning the existence of which there is no sworn testimony, and none that connects it positively with the loss of sight.

A petition from sixty-five citizens of Haverhill, Mass., prays that the claimant be granted a pension, as he is poor, dependent upon State aid and the charity of his friends. This petition is headed by the mayor, three ex-mayors, aldermen, city councilmen, city officials, merchants, manufacturers, physicians, tradesmen, bank officers, etc.

In the opinion of the committee the weight of testimony is on the side of the claimant, and there is justification for a decision in his favor.

The accompanying bill is therefore reported, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1087.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2452.]

*The Committee on Pensions, to whom was referred Senate bill 2452, granting a pension to Lena Neuninger, have examined the same, and report:*

That the claimant is the widow of John Neuninger, late a second lieutenant in Company I, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, in the war of 1861.

The claim for pension of the soldier and the widow have both been successively rejected on the ground that the injury and death of husband were not traceable to the service. But the evidence of two of his comrades, one an officer in the same company, is, that at the camp on Federal Hill, near Baltimore, Md., in August, 1865, on a very hot day, while on dress parade, they saw him fall by sun-stroke; that he was carried by two men to his quarters; that he was then treated by a surgeon for sun-stroke, and that he recovered sufficiently to return to duty, though complaining of its effects. He served until September 11, 1865, when he was discharged.

His neighbors and acquaintances testify that after his discharge upon his return home he had the appearance of one broken in health, could not work at his trade, that of a tailor. had to abandon a place as watchman in the court-house on account of his ill-health, complained of pains in the head, dizziness, and loss of sleep Had the "symptoms of one suffering from sun-stroke."

He never recovered his health; died June 21, 1878, as the physician in attendance testifies, of pneumonia complicated with brain trouble.

We think sun-stroke is a brain or head trouble, and that from the time of his attack while in the service there is proof of symptoms of such trouble continuously to the time of his death.

The widow is over fifty years of age, very poor, and we think her claim meritorious, and recommend passage of the bill.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1088.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2450.]

*The Committee on Pensions, to whom was referred the bill (S. 2450) granting a pension to Bridget White, have examined the same and report:*

The claimant is the widow of one William White, who was a private in Company I, Eleventh Regiment Ohio Reserves, in the war of 1861. He served with his regiment thirty days, being called out with other forces to resist the threatened raid of General Kirby Smith against Covington and Cincinnati, in the fall of 1862. He was discharged October, 1862, with the remainder of the command, and paid off at Columbus, Ohio. He died of consumption at Cincinnati, Ohio, May 4, 1869.

It appears from the evidence that about the 1st of September, 1862, the soldier's regiment was ordered suddenly across the river, behind Covington, to work upon and guard fortifications there. That the weather was very inclement, being cold and rainy. That the men left home without substantial clothing, on short notice, and were placed in the trenches and in the camp, without tents, quarters, or shelter of any kind. That White, the soldier, took cold very severely from this exposure. That he was treated for this while in the service, but that he suffered from it very much up to the time he was discharged. That after his discharge he still suffered from the effects of it, having pains in the head, neuralgia, swollen lip and jaw, and a difficulty of breathing which prevented sleep, except in a sitting posture. He was unable to work at his trade (that of a blacksmith) and had a hacking cough, which did not yield to treatment, but ended at last in consumption of the lungs and death.

We think that the testimony, both lay and medical, establishes the strong probability that his death and disease originated in the service. He had been before a well, stout, active man. And although rejection was advised upon the weight of evidence as to traceability of his disease and death to his service—

We think the preponderance of the proof is favorable to the claimant's right, and therefore recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1089.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2414.]

*The Committee on Pensions, to whom was referred the bill (S. 2414) granting a pension to Paulina Barbara, have examined the same and report:*

The claimant was the widow of John Pittman, late a private in Company C, One hundred and nineteenth Regiment of Colored Volunteers, in the war of 1861.

The claimant was a pensioner and was dropped from the rolls upon account of adulterous cohabitation, open and notorious, under the act of August 7, 1882.

Upon an examination of the evidence on file we are of the opinion that the action in this case was well founded and we recommend indefinite postponement of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1090.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2416.]

*The Committee on Pensions, to whom was referred the bill (S. 2416) granting a pension to Jane Devines, examined the same and report:*

The claimant is the widow of John Devines, who was enrolled as a substitute for one Burnett, as a private in the U. S. Army at Owensborough, Ky., to serve one year from the 3d day of October, 1864. He was never assigned to any company or regiment. The record shows that he was sent to Eruptive Hospital at Louisville, and died there of erysipelas December 26, 1864, eleven days after he was sent there.

He was, on the 23d day of December, three days before his death, discharged upon certificate of disability upon account of "strumous right leg, the ulcers of many years' standing." The discharge given to him bears upon its face the statement:

> To be discharged with forfeiture of all pay and allowances for the future, without final statement, the enlistment involving fraud upon the part of the soldier.
> By command of Major-General Schofield.

We do not think that this is such a discharge as would have entitled the soldier to a pension had he survived to have made an application. We are also reluctantly constrained to the opinion that the evidence, considered altogether, shows that the disease of which the soldier died, though it may have been contracted in the service, was without doubt due to the physical condition of the soldier, before enlistment, and that his death is traceable to the same cause.

Your committee recommend indefinite postponement of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1091.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2525.]

*The Committee on Pensions, to whom was referred the bill (S. 2525) granting a pension to Columbus C. Kerr, have examined the same and report:*

The claim covered by this bill was before the committees of the Forty-eighth and Forty-ninth Congresses without, so far as the files show, securing a report for or against. The evidence in the case is faulty in all respects. The disability under which claimant suffers is alleged to have been incurred in 1862, in service with the Seventy-third Missouri Enrolled Militia.

There are no records which show him to have been enlisted in any recognized military organization prior to October, 1864. The medical testimony, and the bulk of the evidence in the case, is vague and uncertain, and not of a character to justify the committee in a favorable report.

The bill is recommended for indefinite postponement.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1092.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2507.]

*The Committee on Pensions, to whom was referred the bill (S. 2507) granting a pension to Joseph Hicks, have examined the same and report:*

The claim in this case is for disability, occasioned by frost-bitten feet, incurred when on duty at Greenbrier Mountain, Tennessee, in January or February, of 1865. The hospital records do not show that he was treated for the alleged injury while in service, or that he suffered any disability whatever. A medical examination made April 13, 1887, at Topeka, Kans., by a full board, certifies the fact that there are "no physical or objective signs of frost-bite of feet or legs. Skin is healthy; toe nails well developed and nourished; no tenderness of feet." The claim is on its face a fraud.

The committee ask that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1093.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2504.]

*The Committee on Pensions, to whom was referred the bill (S. 2504) granting a pension to Mary A. Moran, have examined the same, and report:*

The application of the claimant under the bill, as dependent mother of Joseph Moran, late private Company D, Fifty-second Regiment Indiana Volunteers, was rejected by the Pension Bureau "on the ground that, after special examination, the evidence fails to show that soldier's fatal disease was due to the service and line of duty;" a decision which is justified by the evidence in the case.

The committee report unfavorably, and recommend the bill for indefinite postponement.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1094

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the followi

# REPORT:

[To accompany bill H. R. 6609.]

*The Committee on Pensions, to whom was referred the bill (H. R. 66 granting a pension to Sarah E. McCaleb, have examined the same a report:*

Your committee have already recommended the passage of a Sen bill to the same effect as the one under present consideration, and th report follows hereafter. It is recommended that the House bill be s stituted for the Senate bill, and passed with the following amendme Strike out, in the sixth line, the name "Hebert" and substitute there the name "Hubert."

## REPORT.

At the battle of Fort Donelson, Tenn., in February, 1862, Hubert A. McCaleb, of the Eleventh Regiment Illinois Volunteers, received three gunshot wounds— through the foot, one in the thigh, and one on the top of the head 1 inch back f the forehead. This last wound, which did not fracture the skull, but produced cussion of the brain and left a permanent depression, was a source of pain, an the opinion of soldier, and of physicians and acquaintances, predisposed him to r tal unsoundness, which at times verged on insanity, and afflicted him from his charge to his death. In one of his fits of melancholy he ended his life by suicide

A bill for the benefit of the widow, identical with that under consideration, introduced into the House during the first session of the Forty-ninth Congress, was favorably reported on by the Pension Committee, but failed for lack of tim secure passage.

Casting into the widow's side of the scale whatever doubt there may be as to influence of the wound in the head upon the mental status of the soldier, your c mittee now report the bill favorably, and, with an amendment correcting the n of the soldier, recommend its passage.

Amend by striking out, in the sixth line of the bill, the name "Hebert" and in ing "Hubert."

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1095.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2126.]

*The Committee on Pensions, to whom was referred the bill (S. 2126) granting a pension to Winemah Riddell, have examined the same and report:*

The House Committee on Pensions have already favorably reported a bill whose provisions are the same as those of the one under present consideration. Their report is appended hereto, as it fully sets forth the grounds on which relief is asked.

Your committee recommend the passage of the bill with the following amendment: Strike out, in the seventh line, the words "twenty-five" and substitute therefor the word "twelve."

**House Report No. 1413, Fiftieth Congress, first session.**

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MARCH 27, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. FINLEY, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 2804.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2804) to pension Winemah Riddell, having considered the same, report as follows:*

The report of Hon. A. B. Meacham, chairman special commission to the Modocs, upon the late Modoc war, and contained in the report of the Commissioner of Indian Affairs for the year 1873, shows that the objects to be attained by the Modoc Peace Commission were—

first, to ascertain the causes which have led to the difficulties and hostilities between the United States troops and the Modocs; and, secondly, to devise the most effective and judicious measures for preventing the continuance of these hostilities and for the restoration of peace.

Messengers were employed to visit the Modocs and arrange for a meeting: First, Bob Whittle and wife, Matilda (an Indian woman), were sent February 19 with instructions to announce to them the presence of and desire of the Commission to arrange for a council meeting with the view of adjusting the difficulties that existed, and to prevent a re-opening of hostilities; also to ascertain with whom the Modocs would prefer to arrange the contemplated council.

Whittle and wife returned on the 20th, and reported the Modocs willing and anxious to "meet *Riddell* and Fairchilds to conclude details" for the proposed meeting. Fairchilds was intrusted with the message, and accompanied by *Riddell* and Artina (a Modoc woman), visited the Modoc camp, a distance of 20 miles from headquarters, with a "message to Modocs," as follows: "Fairchilds will talk for the commission; what he agrees to we will stand by. He can not tell you any terms, but will fix a time and place for a council talk, and that no act of war will be allowed while peace talks are being had, no movements of troops will be made. We come in good faith to make peace. Our hearts are all for peace." This message was signed by Meacham, Applegate, and Case, with the approval of General Canby.

Fairchilds and party returned on the 23d, and reported the Modocs as willing and anxious for peace, but had not arranged for a meeting, because they were "unwilling to come out of the lava-beds."

This proposition was not agreed to, but a request for Judge Steele, of Yreka, to visit them was made, and in compliance he was sent for, with the hope on our part that, from his intimate acquaintance with these people, he might secure the meeting. Judge Steele arrived at headquarters of commission on the 4th of March, and the board of commissioners were called together, now consisting of Applegate, Case, Meacham, and Judge Roseborough, who had been added at the request of General Canby. Steele, being present, accepted the mission as messenger to arrange for the meeting of commission and the Modocs, but unwisely was authorized to offer terms of peace, which was "a general amnesty to all Modocs on condition of their full and complete surrender and consent to remove to a distant reservation within the limits of Oregon or California."

He was further instructed to say to them that "General Canby would make peace and conclude terms."

On the 5th of March, in company with *Riddell* and Toby, Fairchilds, and R. H. Atwell as reporter, Judge Steele visited the Modoc camp.

Failing to secure a meeting of the commission and Modocs, made then, under instruction, the proposition above referred to, also stating that General Canby was authorized to conclude the arrangement for the surrender and removal. The propositions were not well understood, and created some discussion among the Modocs.

Captain Jack, speaking for the people, accepted the terms offered, though protests and evidences of dissatisfaction were evidently made. Steele had not, however, seemed to have been aware of this fact, for on his return to headquarters he reported that "peace was made; they accept." A general feeling of relief followed, couriers were summoned to bear dispatches, when Fairchilds, who had been with Steele, declared that "there was some mistake, the Modocs have not agreed to surrender and removal." The Modoc messengers who had accompanied Steele and party to headquarters were questioned, when it was discovered that some misunderstanding existed. Steele, however, confident that he was correct, proposed to return to the Modoc camp and settle the matter beyond question. On Steele's second visit Fairchilds declined going, fearing, as he said, "that the Modocs would feel outraged by Steele's report." Atwell again accompanied Steele, who, on arrival, or soon thereafter, discovered that a great mistake had been made in reporting the first visit. The demonstrations were almost of hostile character. He was accused of reporting them falsely and working against their interests. His long acquaintance with Captain Jack and Scar-Faced Charlie, and consequent friendship, saved him and party from assassination; these two men, and one or two others, standing guard over him throughout the night. The following morning he averted the peril by proposing to return and bring the commission with him, and on this promise he was allowed to depart. On his return to headquarters he made a full report of the visit, stating the facts above referred to, and warning the commission of the danger of meeting the Modocs, except on equal terms and on neutral ground, and expressing the opinion "that no meeting could be had, no peace could be made."

The substance of these reports and conclusions were forwarded to the honorable Secretary of the Interior, who replied as follows:

"WASHINGTON, D. C., *March* 5, 1873.

"I do not believe the Modocs mean treachery. The mission should not be a failure. I think I understand their unwillingness to confide in you. Continue negotiations. Will consult the President, and have the War Department confer with General Canby to-morrow.

"C. DELANO.

"*To A. B Meacham, Fairchilds' Ranch, via Yreka, Cal.*"

On the day following Steele's return from the second visit a delegation of Indians from the Modoc camp arrived. Mary (sister of Captain Jack), acting as messenger, proposed that, if General Canby would send wagons to meet them, the Modocs would all come out and surrender on the terms proposed by Steele on the first visit. General Canby, then acting under the authority of the vote of the commissioners transferring the whole matter to his care, accepted the proposition and named a day on which the final surrender should be consummated. However, before the time appointed, messengers arrived from the lava beds, asking for further time to arrange for leaving camp, alleging that they were then burying their dead and could not come at the time appointed, but would comply at a subsequent period.

General Canby appointed another day, and assured the messengers that unless they were faithful to the compact he would take steps to compel compliance.

The day before the appointed time, *Toby Riddell* informed General Canby of intended treachery on the part of the Modocs, saying "*no Modocs come; may be come to steal teams; they no give up.*" *Her warning was not accredited.*

The wagons were sent. Applegate, sanguine of the surrender, resigned and returned to his home, believing that "peace was made." Mr. Case, who had been relieved at his own request, had also left headquarters. Messengers had been sent to the Department at Washington announcing the anticipated result, and the whole country was rejoicing, when, late on the evening of the appointed day, the wagons sent out by General Canby returned without the Indians. All of which was made known to the Department. Further negotiations seemed to be hopeless; nevertheless, knowing the anxiety for a peaceable solution of the troubles, we continued to seek a meeting. Instructions were received from headquarters from the honorable Secretary of the Interior, "to continue negotiations," and further continuing the commission, General Canby moved headquarters to "Van Bremens," and with him the commission moved. Soon after Doctor Thomas was added to the commission, also, L. S. Dyar, United States Indian agent, of Klamath. Meanwhile a herd of Indian horses had been captured by Major Biddle, notwithstanding the commission had informed the Modocs, through messengers, that no act of war would be permitted. Failing to arrange on satisfactory terms for a council meeting, the commission was notified by General Canby of the intended movement of troops nearer the Modoc camp. The movement was made and headquarters

again changed, this time to the foot of the bluff, and within 2 miles of the Modoc stronghold. On the 2d of April the commission, including General Canby, met the Modocs for the first time, about midway between the Modoc camp and headquarters. No conclusions were arrived at, a severe storm coming up compelling adjournment, not, however, until an agreement had been made for the erection of a council-tent.

Riddell and his wife, Toby, expressed the opinion, on our return to camp, that treachery was intended; but the warning was not respected. On the 4th of April a request was made by Captain Jack for me to meet him and a few men at the council-tent. After a consultation with the board I went, accompanied by Judge Roseborough and J. A. Fairchilds, Riddell and his wife, Toby, as interpreters.

The Modoc chief was accompanied by six warriors and the women of his own family. He (Jack) remarked that he felt afraid in presence of General Canby and Doctor Thomas, saying "but now I can talk." He reviewed the whole question from the beginning, mentioning the Ben Wright treachery; the insults of the Klamath Indians while his people were on the reservation; the failure of Captain Knapp, acting agent of Klamath, to protect him, and his several removals while there, but made no complaint of want of subsistence; denied ever killing horses for food, but insisting that Agent Knapp "had no heart for him;" complained that Superintendent Odeneal had not visited him, and that Odeneal's messengers had promised to come again before bringing soldiers; that Major Jackson had attacked him before he was up in the morning of November 29, 1872; complained also of the citizens taking part in the battle at that time, declaring that had "no citizens been in the fight, no Indian women and children would have been killed, no citizens would have been murdered;" saying his young men had done a great wrong while in hot blood, but that he could not control them any more than bad white men were controlled by American law; and feeling that he could never live in peace with the Klamaths, but wanted a home, "just the same as a white man on Lost River, the soldiers taken away and the war would stop."

On being assured that, since blood had been spilled on Lost River, he could never have it in peace, unless the Lost River murderers were given up for trial, he abandoned the request so far as his old home was concerned, "saying, "I give up home; give me this lava-bed; no white man will ever want it." Again assured that no peace could be made or soldiers removed while his people remained in the lava-bed, but was informed that a new home would be given him, and provision made for clothing and subsistence. He was unwilling to surrender his men who killed the citizens, saying that the "governor of Oregon had demanded their blood, and that the law of Jackson County would kill them;" remarking that the "law was all on one side, was made by the white man, for white men, leaving the Indian all out," finally, declaring that he could not control his people, and that he would die with them if no peace was made.

No terms were agreed to or further meetings arranged for at that time.

On the day following Toby Riddell was sent with a proposition to Captain Jack to surrender with such others as might elect to do so. He declined the terms. On her return the messenger was warned of the intended treachery, which she reported to the commissioners and General Canby. This warning was not treated with the respect due the informer. Dr. Thomas questioned a Modoc afterward as to the truth of the report, which being denied, and the name of the author demanded, he replied, "Toby Riddell." The same party, of whom Dr. Thomas had made inquiry, was informed by General Gillem "that unless peace was made very soon the troops would be moved up nearer the Modoc stronghold, and that one hundred Warm Spring Indians would be added to the Army within a few days." All of which was reported in the Modoc camp.

On the 8th of April a messenger visited the commission, asking for a "peace talk," saying that six unarmed Modocs were at the council tent in the lava-bed, anxious to make peace, and asking the commission to meet them.

The signal officer at the station overlooking the lava-beds reported the "six Indians, and also in the rocks behind them twenty other Indians, all armed." Treachery was evident, and no meeting was had; further negotiations appeared useless and unsafe.

On the morning of the 10th of April a delegation from the Modoc camp arrived with renewed propositions for a meeting. The terms proposed were that, if the commission, including General Canby and General Gillem, would come next day to the council-tent, *unarmed*, to meet a like number of *unarmed* Modocs, thus proving the confidence of the commission in the Modocs, "that they (the Modocs) would all come to headquarters and surrender on the day following." Dr. Thomas, who was then acting as (temporary) chairman, submitted the propositions to General Canby. After consultation, they decided to accept.

On the fatal morning of Friday, April 11, the commission held a meeting, and the propriety of keeping the appointment was discussed; Dr. Thomas insisting that it was a duty that must be performed; General Canby saying "that the importance of

the object in view justified taking some risk;" Commissioners Dyar and Meacham recounting the evidences of premeditated treachery, and giving opinions adverse to the meeting. The interpreter, Frank Riddell, appeared before the board, and repeated the warning given by "Toby," his wife, and saying further, "that if the meeting must be had, he wanted to be free from responsibility; that he had lived with 'Toby' for twelve years, and she had never deceived him; that if the commission went, it should be *armed*." However, General Canby and Dr. Thomas insisted that the compact should be kept, the general remarking that from the signal station a strict watch had been kept, and "only *five* Indians, unarmed, were at the council tent;" and further, that a "watch would be kept on the council tent, and in the event of an attack the Army would come to the rescue."

Without following further the report, the result of the appointment above referred to is more comprehensively stated in a lecture prepared by Colonel Meacham, and which he delivered in Park Street Church, Boston, Mass., on the 24th of May, 1874, the substance of which is as follows:

The preparations for keeping the appointment were being made when Winemah Riddell and her husband made a last protest against the fulfillment of the unwise compact. Dr. Thomas was unwilling to abandon the effort. Commissioner Dyar agreed with me (Colonel Meacham) that the meeting should not take place. General Canby maintained his views, and gave orders for a watch to be kept at the signal station; then, giving some private instructions to his secretary, he dressed in full uniform, without arms, and called for Dr. Thomas. Together they walked off, side by side, towards the peace tent, one mile away. Having failed to dissuade them from going, I had no honorable alternative but to follow. * * *

I prepared to go, and caught the halter of my horse, intending to mount, when Winemah, unable to suppress her fears, snatched the halter, and winding it around her waist, threw herself upon the ground and cried most earnestly, "*Do not go, you will be kill.* The Modocs mad now. Meacham, you no go." Her entreaty moved me, and I relaxed my grasp of the halter, and calling to General Canby and Dr. Thomas, went to them and renewed my protest against going unarmed.

They were immovable. I then for the first and only time in my life made use of my fraternal relations to induce them to assent to a promise on my part, as chairman of the commission, to withdraw the army if we found satisfactory evidences of premeditated treachery. This proposition was emphatically rejected also.

Seeing no alternative, I returned to the commissioners' tent, handed my valuables to Mr. Fairchilds, and securing a promise from him that if my body should be badly mutilated it should be buried in the rocks of the Lava-beds and not sent to my family, I sought again to mount my horse, when Winemah caught me by the coat and endeavored to detain me.

Firmly refusing to remain in camp, I bade Winemah and her husband follow, and rode off to the council tent in the lava-beds, accompanied by Commissioner Dyar. Winemah parted with her boy, and with steady nerve mounted her horse and joined Mr. Dyar and myself. Mr. Riddell hastily arranged his business affairs, and also joined us on his danger-fraught ride.

General Canby and Dr. Thomas were the first of our party to arrive. They were greeted by the Indians with extreme cordiality, General Canby giving to each a cigar. Instead of five unarmed men, including Scar-face-Charley, as promised by Boston Charley in negotiating for the council, we found eight well-armed desperadoes, including the notorious cut-throats Hooker Jim and Black Jim. Captain Jack seemed anxious and ill at ease, and did not exhibit the friendship the others of his party pretended.

General Canby was calm and thoroughly self-possessed. Dr. Thomas did not appear to note any suspicious circumstances, but was endeavoring to impress the Indians with his good intentions. I made my election to abide by the consequences. I knew that the horse beneath me was one of the fleetest in the Modoc country, and notwithstanding the rocky trail could carry me out of danger with a few bounds, which he seemed more than willing to make at the slightest invitation, I made up my mind that Canby and Thomas should not be endangered by cowardly flight on my part.

Withdrawing my overcoat and hanging it upon the horn of the saddle I dismounted, dropping the rope-halter to the ground, leaving his horse free. Mr. Riddell secured Winemah's horse, and we all gathered round the council-fire.

Before the talk began I sat down facing the chief and opened the council by referring to the proposition made the day before by Boston Charley, and continued by saying that we were ready to complete the arrangement for peace. Captain Jack asked if we were willing to remove the soldiers from the lava-beds and give his people a home in the country. I felt that if his demand was met we could escape, and although General Canby had refused to allow me to make this promise, I thought that, con-

inced as he must be of intended treachery, he would feel justified in assenting to the request. Cautiously turning to him I asked him to talk. After a moment's waiting he rose and stood erect. Every eye was upon him. All seemed to feel that if he assented to the withdrawal of the Army the trouble would be passed over. Whether General Canby realized the situation with all its fearful possibilities and would not swerve even then from his purpose, or if he still thought the Modocs had not the desperate courage to execute this plan, can never be known. If he said the soldiers can be removed, the phantom would pass as a dream. If he said they should not be withdrawn, the phantom must soon become a terrible reality. With dignity that was peculiar to that brave soldier, he firmly pronounced his own death-sentence as well as that of Dr. Thomas, by saying that the "*soldiers could not be withdrawn.*"

Again and again the Modoc chief repeated the demand for the removal of the soldiers. General Canby, having once refused, was mute. Turning to Dr. Thomas, who was sitting at my left, I asked him if he wished to talk. The doctor dropped forward on his knees, and made the last proclamation of peace. He assured the Modocs that he was a friend to them; that God had sent us to them as messengers of peace.

The Modoc chief leaned forward and touched me on the arm. He once more declared that no peace could be made until the soldiers were taken away, as he rose and turned his back to General Canby. I believe that to this time Captain Jack had hoped it would be granted, and thereby bloodshed avoided. Schonchin sprang to the seat vacated by Captain Jack, and in loud, angry tones repeated the ultimatum. Winemah had thrown herself on the ground in front of Dr. Thomas and was interpreting Schonchin's speech at the moment when Captain Jack gave the signal, "Kau-Tux" (all ready). Almost at the same instant the Modoc yell broke from the rocks, and two braves sprang forward, bearing rifles.

Captain Jack drew a pistol and shot General Canby, the ball striking him in the face. "Ellen's man" joined him in the attack. General Canby did not fall until he had run 40 or 50 yards, when a shot struck him in the back of the head. His assailants came upon him, and, shooting him again, stripped him of his clothing, turned his face downward, and then left him.

Dr. Thomas received a shot from the hand of Boston Charley. He sank slowly, catching by his right hand. He was permitted to get upon his feet and stagger away a few rods, his murderers taunting him with not believing Winemah, jeering him, and ridiculing his religion and the failure of his prayers. Finally, pushing him down, they shot him through the head, stripped him, and turning him also upon his face, gathered up the dripping garments, and joined the other murderers at the council fire.

Dr. Dyar, having his horse for a cover when the attack was begun, made good his escape, although pursued by Hooker Jim. Mr. Riddell escaped by running, covered by Scar-Face Charley's rifle, who declared that it "was unworthy of a Modoc to kill unarmed men." Simultaneously with the attack on General Canby and Dr. Thomas, Shonchin sprang to his feet, and, drawing both a knife and a pistol, shouted "Chock-e-la" (blood), pointed at my head and discharged the pistol, the bullet tearing through the collar of my coat and vest. Before the next shot Winemah was between him and his victim, grasping his arms and pleading for my life. I walked backwards 40 yards while my heroic defender struggled to save me. Shacknasty Jim joined Schonchin in the attack, while Winemah, running from one to the other, continued to turn aside the pistols aimed at me until I went down. After I fell I raised my head above the rock over which I had fallen, and at the instant Schonchin aimed at me so correctly that this shot struck me between the eyes and glanced out over the left eye, which was blinded. A shot from Shacknasty Jim struck me on the right side of the head over the ear, which stunned me and I became unconscious. From Winemah and Scar-Face Charley I learned that Shacknasty Jim robbed me of my clothing in part, notwithstanding Winemah's expostulations; that while Jim was unbuttoning my shirt collar one of the other murderers came up with a gun and pointing at my head was just in the act of touching the trigger when Jim pushed the gun up and said, "Don't shoot any more. Him dead; he not get up; I hit him high up; save the powder." Having taken my coat, pants, and vest, they left me, saying to Winemah, "Take care of your white brother." Winemah wiped the blood from my face and straightened my limbs, believing me dead.

Boston Charley drew a knife, which, however, was a dull one, and began the difficult task of scalping a bald-headed man, and what added to the difficulty was the strong arms of Winemah, grasping him and hurling him, as though he was but a boy, to the rocks beside me. But Boston had Modoc persistency, and springing to his feet, with his pistol he struck her a blow upon the head, at the same time threatening to shoot her should she again interfere, and resumed the delicate task. Winemah, dazed by the blow for a moment, in half bewilderment saw the dull blade cutting down to the bone, while Boston, enraged and impatient, set one foot upon the back of my neck, and muttering curses in broken English, succeeded in cutting a circle almost around the upper part of my head, and had already so far lifted the scalp that he had in-

serted the fingers of his left hand beneath it, preparatory to tearing it off, when Winemah, recovering her presence of mind, resorted to strategy, shouting exultingly, "Kap-ko Bostee-na-soldier" (soldiers coming), and Boston left his work unfinished.

From the foregoing statement of facts, it is evident that had the Modoc peace commissioners listened to the persistent persuasions of Winemah Riddell, reiterated by her over and over again, the families and friends of the lamented Dr. Thomas and General Canby would not have been called upon to mourn their atrocious death; and in view of the fact that Winemah Riddell saved the life of such a useful and noble man as Col. A. B. Meacham, and proved herself to be the friend of the white man at the risk of her own life, your committee feel constrained to report these facts for the consideration of the House, with the following amendment: In line 7 strike out the words "twenty-five dollars," and insert in lieu thereof "twelve dollars"; and, with the bill so amended, beg leave to submit the facts, with the bill, for action of the House. The committee being equally divided, their report is adverse to the passage of the bill, but recommend the same be placed on the Calendar and printed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1096.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2571.]

*The Committee on Pensions, to whom was referred the bill (S. 2571) granting a pension to Edwin E. Chase, have examined the same and report:*

The claimant under the bill enlisted in Company B, Third Massachusetts Cavalry, in August, 1862; was thrown from horse while carrying a dispatch as orderly on the march from Barré's Landing, Louisiana, in May, 1863, causing an injury which resulted in rupture of the right side; was taken to hospital at Brashear City, La., May 29, 1863, and transferred to Barracks General Hospital, New Orleans, June 12, 1863; was furloughed from there February 9, 1864, and "sent North to save life," as certified by surgeon, who also certifies that the "soldier has done no duty for a year;" that "disease is still persistent—is unfit for invalid corps." Upon which claimant was discharged.

An application for pension was filed November 15, 1880, but being unable to furnish the evidence required by the Pension Bureau, the claim was rejected September 13, 1883. This inability to procure testimony was due partly to death of officers and partly to the fact that his injury occurred while separated from his regiment on detached duty, and that he was taken directly to hospital, not joining his regiment for duty thereafter while he remained in service. There is, however, evidence of his soundness before enlistment; of his presence in active duty until the date of injury; of his confinement in hospital and on furlough until discharge; and of his affliction with hernia after discharge and its continuance to the present.

Included in this testimony is the certification of his disability by fifteen citizens of claimant's home, and the following letter addressed to the Commissioner of Pensions by Dr. Albert H. Blanchard, late surgeon of the claimant's regiment—a voluntary tribute of justice to an unfortunate soldier:

SHERBORN, MIDDLESEX COUNTY, MASS., *October* 16, 1883.

SIR: Having been informed that the claim (No. ) of Edwin E. Chase, Company B, Third Massachusetts Cavalry, has been rejected for want of sufficient evidence, I would respectfully represent that Mr. Chase is one of those unfortunate persons who, deserving a pension, are unable from the circumstances in which they are placed to prove their claims. The fact that the records of the War Department fail to show the nature of his disability is by no means conclusive proof that he was not disabled. I know from personal observation and inspection of said Chase, in August, 1863, that he was reduced to the lowest ebb of life by malarial or intermittent fever while at Barracks Hospital, New Orleans, and it would be very natural that only that disease

should be recorded, especially as his right inguinal hernia was then only imperfectly developed and he did not himself fully know the nature of it, having only a serious weakness in that region, to which he did not call the attention of the surgeon. I know that the fever was incurred in the line of his duty in the United States service, and I firmly believe that the hernia was also incurred by the violence he sustained when thrown from his horse while on the march from Barré's Landing, Louisiana, in May, 1863. Col. T. E. Chickering and others who could have proved his claim are dead. He was separated from his comrades by being left in hospital in an insensible condition (from the fall from horse) while the regiment marched on; and these are some of the reasons why he can not furnish the required evidence. Some members of the regiment belonging to his own and other companies well remember his prostrated condition and how narrowly he escaped from death, and they are men of good repute and have so testified to me. That his hernia was also a result of the accident and the extreme debility accompanying the fever, I am fully satisfied, and I would respectfully urge a reconsideration of his case as that of a needy and deserving man.

I write this only from an interest in his welfare, and from no pecuniary consideration whatever.

Very respectfully, your obedient servant,

ALBERT H. BLANCHARD, M. D.,
*Late Surgeon Third Massachusetts Cavalry.*

The COMMISSIONER OF PENSIONS.

Your committee are satisfied of the claimant's disability and of its origin in service, and they report the bill favorably, and with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1097.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2547.]

*The Committee on Pensions, to whom was referred the bill (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory, have examined the same and report:*

The committee report favorably upon the bill under consideration and recommend it for passage.

C

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1098.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 3579.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3579) granting a pension to Ellen Shea, have examined the same and report:*

Your committee reported this bill favorably during the Forty-ninth Congress, on the following facts:

The claimant filed her application on July 1, 1884, alleging that her son, Michael Shea, had contracted a fever in the Army, which resulted in insanity, and that, having wandered from home, he lost his life by reason of a snow-slide which occurred at Woodstock, Colo., on March 10, 1884.

Mrs. Ellen Shea is a widow, seventy-six years of age, lives at Chicago, and is in poor circumstances.

The deceased soldier, Michael Shea, enlisted on January 13, 1862, in Company A, Thirteenth Illinois Volunteers. He is reported sick in 1863, and sick on furlough, but the nature of the ailment does not appear. He returned to the service, and was discharged January 20, 1865.

The physician who treated Michael Shea during his furlough testifies that he had brain fever; that he returned to the Army, but never after had the right use of his mind, and could not support himself.

The claim was rejected by the Pension Department on the ground that the soldier's death was not a result of the service; but your committee are of the opinion that the cause of death may reasonably be traced to the insanity contracted in the service, and that therefore this claim for a pension may properly be allowed.

The claimant is now seventy-eight years old, and your committee only see the greater reason for allowing her the desired relief now that they recommended before. They therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1099.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 3554.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3554) granting a pension to Catharine Black, have examined the same and report:*

The following report of the House committee is adopted, and the passage of the bill recommended:

Claimant is the widow of Patrick W. Black, who died of disease of lungs November 7, 1881. The soldier entered the service as commissary sergeant of the Ninth Regiment Massachusetts Volunteers June, 1861; was promoted to second lieutenant of Company B, same regiment, August 26, 1861; to captain, same company, October 20, 1862, and honorably discharged July 28, 1863. He again entered the service as private in Company I, Twenty-eighth Massachusetts Volunteers March 29, 1864, and was promoted to second lieutenant April 10, 1864; to first lieutenant June 5, 1864, and to captain November 22, 1864; was finally mustered out July 22, 1865. For conspicuous gallantry in the engagement near Boydton Plank Road, for efficient services on all subsequent occasions, and for particularly meritorious services during the campaign, terminating with the surrender of Lee's army, he was brevetted major by the President. He was a pensioner on account of gunshot wound of right hand.

The widow's claim has been rejected because, in the opinion of the Pension Office, the evidence is insufficient to connect the death cause with the service.

The evidence in the case shows beyond a doubt that after the officer's return from a four months' confinement in a Southern prison, in 1862, he suffered from diarrhea and dyspepsia, and continued to suffer therefrom during the remainder of his service. It is also shown that in July, 1864, he received a contused wound in the region of the left kidney, on account of which he was granted leave of absence. From the testimony of fellow officers it appears that Captain Black was frequently under medical treatment by the regimental surgeon for malarial troubles, chronic diarrhea, and dyspepsia, and that he frequently became prostrated from the combined effects of these diseases during the campaigns of 1862 and 1863.

The physical condition of this officer, from date of discharge until 1871, is shown by lay testimony only, as the attending physician during that period is dead.

Dr. Wiley comes in the case in 1871. He testifies that he became the officer's family physician in that year, and continued to be such until his death, in 1881. Captain Black's health during that period was very poor. He suffered from chronic diarrhea, aggravated dyspepsia and cough. This terminated in phthisis pulmonalis, of which he died.

The long and faithful services of Captain Black, together with the acknowledged incurrence of diseases in the Army, and the well established connection between the same and the cause of his death, afford ample ground to your committee for the favorable consideration of the claim of his widow, who is without means and dependent upon her own effort for the support of herself and two minor children, and therefore return the accompanying bill with the recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1100.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 6576.]

*The Committee on Pensions, to whom was referred the bill (H. R. 6576) granting a pension to James M. McKuhan, have examined the same and report:*

The passage of the bill is recommended upon the facts submitted in the report of the House committee, hereto attached.

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### HOUSE REPORT.

James M. McKuhan was enrolled on the 20th day of August, 1861, in Company G, of the Seventh Regiment of Kentucky Volunteers. In his original application the soldier states that while in the service and in line of duty, at the ford of Cumberland, in the State of Kentucky, in March, 1862, he, from exposure incident to the service, contracted severe cold, which settled in the eyes, affecting them to such an extent as to cause the total loss of sight. Affiant, being totally blind, is therefore rendered helpless and unable to perform the duties required by the only business he is at all acquainted with, and must depend upon the charities of others for support.

His application for pension was rejected by the Department on the ground that the disease of the eyes had probably existed before enlistment. On special examination several of his neighbors testified that they had known him before and since the war, that he was "nearsighted," but that was all the disease of the eyes they had any knowledge of.

James D. Foster, examining surgeon, says:

"In my opinion the said applicant is total first grade incapacitated for obtaining his subsistence by manual labor from the cause above stated. Judging from his present condition and from the evidence before me, it is my belief that the said disability did reasonably originate in the service aforesaid, in the line of duty, and that the disability is permanent."

The surgeon further adds:

"This man, James M. McKuhan, is totally blind. His pupils are dilated; he has amaurosis, with a perfect destruction of the nervous structure of the retina. He is totally and eternally blind, and should always have an attendant to keep him out of danger."

All the evidence goes to show that the soldier had weak eyes, but that the severe cold, the result of exposure while in the Army and in line of duty, hastened, if it was not the direct cause, of producing total blindness. He was a good and faithful soldier so long as he remained in the Army. And while the evidence is not conclusive that blindness was the result of exposure in line of duty, the committee are inclined to give him the benefit of the doubt, and therefore submit a favorable report and recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1101.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 3844.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3844) granting a pension to Wilson C. Moles, have examined the same, and report:*

Your committee have reported favorably several bills involving the same principle as the present one, and they therefore recommend the passage of this bill. The report of the House committee is subjoined.

### HOUSE REPORT.

The claimant in this case was pensioned for partial paralysis, receiving $8 per month from March 3, 1864, $15 from May 1, 1869, $18 from June 4, 1872, $24 from August 9, 1880, and $50 from May 27, 1885. This is the highest rate that can be allowed in this case by the Pension Office, because the claimant does not come under the provisions of the act of June 16, 1880, not being on the pension roll at that time for $50 per month.

The files in the Pension Office show that though comparatively a young man, having enlisted in the service when only a little more than sixteen years of age, he is a complete wreck.

The report of the examining board of surgeons at Marysville, Kans., after describing the disabilities, add:

"This man is certainly a pitiable subject, dependent upon the kindness of friends for everything. He requires the regular aid and attendance of another person."

Affidavits filed in the case show that from the effects of the paralysis the soldier has lost all control of his bowels and has to be cared for as an infant would be. His condition is certainly worse than that of a man who has lost the sight of both eyes, or of one who has lost both legs or both arms, and is otherwise in good health. The present pension is inadequate to provide for his comfortable support and to pay for necessary medical attendance. It is not possible for him to live many months, and your committee believe that it is the duty of the Government to make him as comfortable as possible for the short time he can live.

Your committee therefore report favorably, and recommend the passage of the bill.

C

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1102.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 5545.]

*The Committee on Pensions, to whom was referred the bill (H. R. 5545) granting a pension to Nancy F. Jennings, have examined the same and report:*

Your committee are satisfied that the conclusion reached by the House committee in the following report was warranted upon the facts, and recommend the passage of the bill.

Nancy F. Jennings is the widow of William Jennings, who served in Company F, Thirteenth Regiment Michigan Volunteers, during the war of the rebellion. He enlisted October 29, 1861, and was discharged in 1862, and came home sick with chronic diarrhea. He died February 17, 1877, of cerebral apoplexy. His widow filed a declaration for a pension September 24, 1878. The claim was rejected on the ground that the soldier's "real disease (apoplexy) was not a result of his military service."

The evidence is overwhelming that he contracted chronic diarrhea in the service and in the line of duty; that he was discharged in 1862 and came home sick from that complaint. Abundant and convincing proof has been submitted that the soldier was in poor health, and that he suffered from the above-mentioned disease almost continually from the time he was discharged the service until he died, and that his physical condition from said complaint was such that he was incapacitated from performing manual labor.

Dr. Barnes, who attended him in his last sickness, testifies that "prior to his death the soldier suffered from chronic diarrhea, and that the apoplexy was probably caused by a sudden arrest of the diarrhea."

His widow is now in indigent circumstances, and the committee believe, from a fair consideration of the above, that her name ought to be placed on the pension-roll.

The committee recommend that the bill be amended by striking out, in line 5, the words "Company D, Third," and inserting in lieu thereof the words "Company F, Thirteenth," and that as thus amended the bill do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1103.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 3180.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3180) granting a pension to John H. Sayers, have examined the same and report:*

Your committee adopt the report of the House committee, and recommend the passage of the bill.

## HOUSE REPORT.

That said claimant enlisted in the military service on August 13, 1862, and took on said day the oath of allegiance, etc., in the usual form; that at the time of such enlistment it seems to have been understood by said Sayers that he should have a captaincy in the Twenty-sixth Michigan Infantry, then being raised and recruited; that said Sayers proceeded to recruit his company and soon after went into camp at Jackson, Mich., that being the place of rendezvous designated by the governor of the State of Michigan, and he was then commissioned as captain of Company H, of the Twenty-sixth Michigan Volunteer Infantry, by the said governor, and afterwards and on the 25th day of September, 1862, he was duly mustered.

The evidence clearly shows that claimant, while in camp at Jackson, Mich., took a cold which settled in his head, causing neuralgia in the left side of his head, resulting in inflammation of the left eye, for which he received medical treatment, but which did not prevent his being mustered on September 25 as stated; that such disability, instead of decreasing, continued to increase until he was compelled, by reason of his disability, to resign from the service on January 7, 1863. The surgeon's certificate which accompanied his resignation, and upon which he was honorably discharged, contains the following statement:

"This is to certify that Capt. J. H. Sayers has suffered from inflammation of the left eye and lids for the last two months, much of the time severely, and it is my opinion that, in order to effect a cure, it will become necessary for him to abandon camp duties for some considerable length of time."

The evidence does not clearly show whether the cold from which the disease sprung was contracted in camp before his muster or afterwards, but that the cold was contracted while in camp at Jackson and the disease manifested itself before the regiment was sent to the front we think there can be no reasonable doubt, and that the disability continued to increase until his discharge and afterwards, the evidence clearly shows, until the claimant, as the board of medical examiners state, has practically lost the sight of his left eye. On March 3, 1884, the claimant filed his application for pension in the Pension Office and established the facts, as your committee think, as given above, but his claim was rejected upon the ground that the Pension Office found, as a question of fact, that claimant had contracted the disability before muster, although after enlistment and while in the camp of rendezvous at Jackson, and held as a matter of law that he was not entitled to a pension. As a legal proposition the ruling was probably correct, but we think the case one where special relief should be granted by Congress, and as a matter of equity and right, we think that when claimant enlisted and was commissioned as captain of his company and went into camp with his company as stated, if he contracted a disability he is entitled to relief. He did not leave the service until he was actually compelled to do so by reason of his disability. For the reasons stated we report the bill back to the House and recommend that the same do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1104.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 6582.]

*The Committee on Pensions, to whom was referred the bill (H. R. 6582) granting a pension to Elizabeth Ward, have examined the same and report:*

Your committee concur with the following report of the House committee, which sufficiently sets forth the facts, and recommend the passage of the bill:

Elizabeth Ward is the widow of Joseph S. Ward, late a private in Company B, Seventy-second Enrolled Missouri Militia. A certificate of the adjutant-general of the State of Missouri says:

"Joseph Ward, private Company B, Seventy-second Enrolled Missouri Militia, was enrolled July 30, 1862, and served 212 days."

Henry Sullivan, late Captain of Forty-sixth Missouri Cavalry, Company K, testifies as follows:

"I was engaged in a fight with rebel bushwhackers near James River, in Stone County, Mo., November, 1863, I think the 17th day. Lieut. D. S. Pierce, of Company B, Seventy-second Enrolled Missouri Militia, was under my command at the time. I had a squad of five men, composed of men of the Forty-sixth Missouri Cavalry and Seventy-second Enrolled Missouri Militia. Lieutenant Pierce had a squad of nearly twenty men, composed of members of the Forty-sixth Missouri Cavalry and the Seventy-second Enrolled Missouri Militia. During the fight Joseph Ward, of the Seventy-second Enrolled Missouri Militia, Company B, was instantly killed and his body taken home next day and buried."

Dr. Frazier testifies:

"I was practicing medicine in this neighborhood in 1863, and the day after the battle near James River, in Stone County, Mo., I was sent for to go and attend professionally some of the wounded. After attending to the wounded I went out where the battle had been fought, and saw two men dead. One was Mr. Joseph S. Ward, husband of Elizabeth Ward. He was shot through the head. I think his remains were brought home and buried in the neighborhood. I have known his widow, Elizabeth Ward, and their children since the death of the husband. She still remains a widow, and has raised a family of five children."

Special Order No. 240, issued by Brigadier-General Sanborn, gives substantially the same facts related by Dr. Frazier. It is clear from the evidence before the committee that the soldier was in the service of the United States in line of duty when he lost his life, and that the relief asked for in the bill ought to be granted. Your committee therefore submit a favorable report, and recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1105.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 2071.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2071) granting a pension to Martha Gray, have examined the same and report:*

Your committee, after examining the evidence in this case, as set forth in the following report of the House committee, report the bill back with a recommendation that it do pass:

Claimant is the widow of Charles Gray, deceased, late private Company A, Twenty-fourth Illinois Cavalry.

The soldier enlisted September 13, 1861, for three years, and was discharged on account of disability January 30, 1864, for gunshot wound of right leg, for which he was pensioned by certificate 207342.

Soldier had a running sore on the right leg when discharged, and subsequently dropsical effusion, which extended to his abdomen, chest, and heart, and caused his death February 27, 1883.

Soldier left surviving him a widow, Martha Gray, and two minor children. The widow, Martha Gray, applied for pension December, 1883, No. 311797, for herself and children. Her claim was rejected August 5, 1886, on the ground that the disease which it is alleged was the cause of the soldier's death, viz, "valvular disease of the heart," was not due to his military services.

Dr. O. W. Newell, of Chicago, Ill., testified that he was called to see soldier February 24, 1883, and found him suffering with dropsical effusion, and also, as near as he could determine, "valvular disease of the heart." He also learned that soldier had been wounded in the leg, which wound had produced a fracture that had troubled him more or less ever since; that for about eight years he had not been able to do any work; that he had spent considerable time in the hospital, and also nearly one year in the Soldiers' Home in Milwaukee, Wis.

He also had open, running sores on his leg, which he said had discharged continuously since his hurt. The doctor says that he saw him again on Sunday, February 25, that he was unable to lie down, and died February 27, 1883. The doctor adds:

"All I know further is hearsay; still I think, from all the information that I can get, that his death was caused indirectly by the wound of his leg, which had nearly unfitted him for business for the last years of his life."

The widow supports herself and children by washing and scrubbing.

A liberal construction of the testimony warrants the conclusion that the soldier died from the wounds received in action, and the committee therefore recommend that the bill do pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1106.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 2094.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2094) granting a pension to Alonzo B. Chatfield, have examined the same and report:*

Your committee have already reported adversely upon a Senate bill whose provisions are identical with those of the present one. They see no reason for changing their action, and therefore recommend the indefinite postponement of the bill upon the facts set out in their former report, which is as follows:

This is the application of Alonzo B. Chatfield, late private in Company B, Thirty-third Illinois Volunteers, asking to be rerated and included as of equal disability with that class of pensioners who have lost an arm at or above the elbow, and to be entitled to any subsequent increase for that disability that may be authorized by Congress.

The petitioner has been drawing a pension since the 26th of September, 1863, commencing with the payment of $8 per month and increased by subsequent general acts of Congress to $24 per month, and by special act of Congress approved June 3, 1884, the Department was required to rerate the petitioner and class him as one who had lost his arm "at or above the elbow." Under this act he is now drawing a pension of $30 per month.

When Congress passed the act approved August 4, 1886, providing that all persons who had lost an arm at or above the elbow should receive a pension of $36 per month, the petitioner applied to the Pension Bureau for an increase, which was refused on the grounds that the disability of which the petitioner complained did not authorize such an increase under the provisions of the said act.

From this statement it will be seen that the only questions involved in this case are—

(1) Under the act approved August 4, 1886, has not the petitioner a right, by reason of the special act approved June 3, 1884, to be rated as though he had lost his arm at or above the elbow?

(2) Is it just, if such is not the law, that an exception should be made in his case to the general rule which must control as to other soldiers similarly affected, and grant him a pension greater than they are entitled to draw?

There being no facts set up in the papers which would take this case out of the general rule, although doubting the construction given to the act of 1886 by the Interior Department depriving him of its benefits, as it provides that all persons now on the pension roll who in like manner shall have lost an arm at or above the elbow, and the special act of Congress having placed him on the pension roll as though he had lost an arm at or above the elbow prior to the passage of said general law, yet the fact exists that such is its decision, and if relief is given it can only be through Congress.

There are many soldiers who have lost their arms below the elbow joint who get but $24 per month, whereas under this special law, although the disability is the same and, in fact, the ability to use that arm effectively is as great, the claimant is now drawing $6 per month more than his comrades similarly affected.

Is it just or a correct policy, therefore, to pass a law which would increase the claimant's pension $6 a month in excess of other soldiers who have lost an arm below the elbow joint? In addition to this the claimant is a clerk in the Treasury Department at a salary of $1,600.

In the judgment of your committee neither justice nor policy demand such action from Congress, and the bill is therefore reported unfavorably, with the recommendation that it be indefinitely postponed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1107.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 3158.]

*The Committee on Pensions, to whom was referred the bill (H. R. 3158) granting a pension to Howard S. Abbott, have examined the same and report:*

Your committee concur with the House committee and recommend the passage of the bill. Their report is subjoined:

It appears from the record in this case that the soldier was enrolled on November 1, 1862, and mustered into the service the same day as lieutenant and adjutant Seventy-eighth Regiment of Ohio Volunteers to serve for three years, and was honorably discharged by special order of the War Department from October 14, 1863, on account of wound received at Champion Hill, Mississippi, and has received a pension from date of discharge at the rate of $17 per month. As indicating the severity of his wound your committee copy the report of Colonel Wiles, commanding his regiment, to the Adjutant-General, U. S. Army:

HEADQUARTERS SEVENTY-EIGHTH O. V. I.,
*Vicksburg, Miss., September 26, 1863.*

SIR: In accordance with G. O. 100, series of 1862, I have the honor of reporting the name of First Lieut. and Adjt. Howard S. Abbott, Seventy-eighth Regiment Ohio Infantry Volunteers, as having been absent since May 16, 1863, on account of severe wound in head, received May 16, 1863, in engagement at Champion Hill, Mississippi. He has been "absent with leave" since June 22, 1863, per S. O. 137, Sixteenth Corps Headquarters. There are few hopes of his recovery.

Very respectfully,

G. F. WILES,
*Colonel, Commanding Seventy-eighth O. V. I.*

Brig. Gen. L. THOMAS,
*Adjutant-General, U. S. Army.*

Claimant filed an application for increase of pension on March 24, 1887, describing his disability, and claiming increase "on account of his rate now being unjustly low and disproportionate to his degree of disability." On May 4, 1887, claimant was examined by the board of medical examiners at Larned, Kans., and said board thus describe his injuries:

"The ball seems to have grazed the left temple, and passing downward and backward through the pinna at upper margin of tragus and antitragus and beneath the concha, entered the mastoid portion of the skull immediately back of the ear, and, continuing downward and backward, emerged about three-fourths of an inch from point of entrance back of ear. The bony structure of meatus auditorius externus was fractured, and canal almost entirely closed, making it impossible to explore internal ear. Left ear entirely deaf; can not hear the tick of a watch in close contact. Right normal. Claimant's eyes have a week, dull, hazy appearance. The disability caused by disease of eyes is probably due to injury to optic nerve. Claimant is nervous, uneasy, and restless. Pulse abnormally frequent, quick, and irregular. Sees Snellen's 100-foot test type at 30 feet; the 50-foot at 15, and the 30-foot at 9 to 10 feet distant; both eyes about equally affected. Nervous system oversensitive; claimant

easily startled. This condition due to wound. Tongue clean but pale; lungs, liver, stomach, kidneys, and bladder normal. The disability is equal to the loss of a hand or a foot."

This application for increase was rejected September 5, 1887, because of "no increase."

The bill under consideration proposes to increase claimant's pension to $30 per month. Your committee, accepting the report of the board of medical examiners, made less than a year ago, to be a true statement of claimant's injuries, and that his disability is equivalent "to the loss of a hand or foot," as stated in said report, report the bill back with the recommendation that it do pass.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1108.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 6379.]

*The Committee on Pensions, to whom was referred the bill (H. R. 6379) granting a pension to David M. Rennoe, have examined the same and report:*

The grounds on which this increase is asked are set out in the following report of the House committee.

Your committee concur in the conclusion therein reached, and recommend the passage of the bill.

This claimant, David M. Rennoe, enlisted as a private in Company H, Twenty-ninth Indiana Volunteers, November 29, 1861, and was honorably discharged March 23, 1863, for gunshot wounds received at the battle of Murfreesborough, Tenn., December 31, 1862.

Claimant was pensioned December 28, 1863, at the rate of $8 per month, for loss of right foot, which was increased from time to time by the Pension Department until he received a pension for total third grade. At the session of the Forty-ninth Congress a special act was passed, June 4, 1886, increasing his pension to $30 per month, because of wounds of left foot, neck, and hand. Subsequent to the passage of the aforesaid act a general act of Congress was passed, August 4, 1886. increasing the rate for total disability of right foot to $30 per month. Since the passage of the aforesaid act he continued to receive only $30 per month, or the rate for the disability of right foot, and nothing for the disabilities of left foot, neck, and hand. By the ruling of the Pension Bureau the special act for his relief, passed June 4, 1886, must govern, and therefore the general act of August 4, 1886. which increased the rate on his disability of right foot to $30 per month, is made to repeal the effect of the special act of June 4, 1886, which increased his pension from $24 to $30 per month because of wounds of left foot, neck, and hand, and this bill for an increase of pension is to secure what Congress by special act allowed him for the last-named disabilities, but which has not been permitted by the Pension Bureau since the approval of the general act of August 4, 1886.

The evidence now on file in this case discloses the following facts: Soldier was wounded at the battle of Murfreesborough, Tenn., December 31, 1862, the ball passing through the left foot, just in front of the astragalus and os calcis bones, and through the center of the os calcis of the right foot, fracturing the bone in many pieces. Three months after soldier was discharged from the service on account of said wounds. In discharge it is stated "gunshot wound, fracture of the right and left metatarsis; disability total."

In a short time after the arrival of soldier at home it became necessary to amputate the right foot to save his life. The board of examining surgeons at South Bend Ind., make the following report upon examination:

"Pensioner's right foot is off about 18 inches above the ankle; left foot shot through below and a little forward of the ankle joint. We find the foot tender, and he is not capable of walking or being on his left foot much on account of the lameness and soreness it produces; foot looks tender and red. The wounds of neck and hand are not painful, and he says do not trouble him. We find his disability as described above to be equal to and entitling him to total third grade for loss of right foot, and one-half total for wound of left foot."

The evidence of the examining surgeons and the citizens of his home clearly establish the fact that the soldier is now receiving a pension only for the amputation of right leg, and nothing on the wounds of the left foot, neck, or hand, and that soldier is unable for the performance of manual labor.

The committee, being unanimously of the opinion that claimant is entitled to the benefit of the general act of August 4, 1886, submit a favorable report and recommend the passage of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1109.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 5966.]

*The Committee on Pensions, to whom was referred the bill (H. R. 5966) granting a pension to Mrs. Lepha A. Osborn, have examined the same and report:*

Your committee, after considering the evidence in this case as set forth in the House report hereto appended, recommend the passage of the bill.

## HOUSE REPORT.

Lepha A. Osborn is the widow of Henry A. Osborn, who enlisted in Company C, One hundred and eleventh Regiment Pennsylvania Volunteers, on the 28th day of October, 1861, and was discharged from said service on November 7, 1862, on surgeon's certificate of disability on account of chronic diarrhea of six months' duration. He again enlisted in Company E, One hundred and twenty-eighth Regiment Ohio Volunteers, on the 18th day of December, 1863; was transferred to Company B, One hundred and twenty-eighth Ohio Volunteers, on March 31, 1865, and was discharged from the service at Camp Chase, Ohio, on July 13, 1865.

He died of consumption or hemorrhage of the lungs on the 26th day of July, 1869.

The soldier applied for a pension during his life-time on account of chronic diarrhea and heart disease.

His widow filed a claim for pension on May 13, 1875, alleging that his death was due to disease contracted during his military service.

Both claims have undergone a thorough special examination by a special examiner of the Pension Bureau. The special examiner, Mr. F. E. Brownell, submitted his report to the Commissioner of Pensions on September 29, 1884.

In this report he says:

"* * * From all the facts and the testimony in the case, giving the claimant (widow) the benefit of all doubts, I am of the opinion that the *claims* should be admitted."

On September 15, 1885, the soldier's claim, No. 4105, was allowed by the Commissioner of Pensions on account of chronic diarrhea at $8 per month from the date of his discharge from Company C, One hundred and eleventh Regiment Pennsylvania Volunteers, deducting his subsequent service to the date of his death on July 26, 1869.

So much of the claim as relates to heart disease was rejected on the ground that said disease was not shown to have originated during his military service.

The widow's claim, No. 209301, was rejected "on the ground that the disease of lungs, which caused soldier's death, was not a result of chronic diarrhea which was contracted in the United States service, or otherwise chargeable to said service, but had its origin in the typhoid-pneumonia that soldier had in the winter of 1866-'67, or spring of 1867."

It appears from the evidence of comrades obtained during the special examination of this claim that the soldier suffered almost continuously during his service in the One hundred and twenty-eighth Regiment Ohio Volunteers, with chronic diarrhea;

that he had a "bad, hacking cough while in said service, and at times would expectorate blood."

It also appears from the evidence of neighbors that while at home on furlough from the One hundred and twenty-eighth Regiment Ohio Volunteers he was suffering with chronic diarrhea and lung disease, and had a bad, hacking cough.

It also appears from the evidence of doctors and neighbors that when the soldier returned from the Army in the year 1865 he was greatly emaciated and debilitated, suffering from chronic diarrhea and had a hacking cough; that he never recovered from these complaints, but, on the contrary, they continued to affect him and disable him, until his constitution was completely shattered.

It also appears from the evidence that the soldier did have an attack of "lung trouble," or typhoid pneumonia in the year 1866 or 1867, but, your committee are of the opinion that his condition at that time, in consequence of chronic diarrhea and lung disease, was such that his constitution was unable to resist the attack.

Dr. A. A. Cross, who treated the soldier immediately on his return home from the Army, states in his affidavit:

"Was called to treat the soldier immediately on his return home from the Army, the date of which he does not recollect; that he found him suffering from chronic diarrhea of an obstinate character. His blood was in a very low condition, with lungs strongly sympathizing with the disease in stomach and alimentary canal, the lung trouble finally culminating in a severe cough of a spasmodic character, the blood being in a low condition, composed in a large proportion of serum and lacking red globules. The excitement in lungs during the spasmodic cough determined the blood to the lungs and brought on hæmoptesis, or hemorrhage of lungs.

"These conditions often recurring, so prostrated the system that nature could not sustain itself, nor even the best medical aid overcome the debility. Thus prostrated, ere long the vital spark had fled, and in all probability the exciting cause was chronic diarrhea contracted in the Army."

The committee, after considering all the evidence in the case, are of the opinion that it is a very just and meritorious case, and recommend the passage of the bill with the following amendment: After the word "volunteers," in line 7, insert "and of Company E, One hundred twenty-eighth Ohio Infantry Volunteers."

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1110.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 2282.]

*The Committee on Pensions, to whom was referred the bill (H. R. 2282) granting a pension to Mrs. Theodora M. Piatt, have examined the same and report:*

The facts in this case are fully exhibited in the following report of the House committee, which your committee adopt, with a recommendation that the bill be passed:

Benjamin M. Piatt, husband of Theodora M. Piatt, enlisted in the late war in 1861 as a volunteer, and was appointed assistant adjutant-general with rank of captain in the volunteer army on the 16th of May, 1862; promoted brevet major and major March 2, 1865, and honorably mustered out November 22, 1865. Entered the regular Army as second lieutenant in the Forty-fourth United States Infantry Veteran Reserve Corps, because not able to accept appointment of first lieutenant in the Twenty-fifth Regiment (active); promoted July 2, 1867, first lieutenant by brevet "for gallant and meritorious services in the battle of Chancellorsville," and to captain by brevet "for gallant and meritorious services in the battle of Gettysburgh." Major Piatt seems to have been a great sufferer from a lame leg and general ill-health, and was a great sufferer after he was retired, and finally his mind gave way and in a moment of mental aberration he committed suicide on the 17th day of April, 1865, leaving a large and helpless family.

The Cincinnati Commercial Gazette contained the following in regard to his death:

"Coroner Garrick yesterday returned the following verdict:

"Benjamin M. Piatt came to his death from a pistol bullet through the brain, fired from a pistol in his own hand, with suicidal intent, while laboring under a fit of temporary insanity, caused by morbid sensitiveness of wasted opportunities, and constantly brooding over imaginary troubles and financial difficulties."

In his application for retirement we glean the following facts in regard to his disability. He says:

"I have had from my birth a slight lameness in my leg and foot. This lameness never materially disqualified me for active exercise of almost every sort, and until after a long, severe, and extremely debilitating sickness in 1862, my ankle joint never had the weakness it now has. Upon entering the volunteer army I was able to walk 10 or 15 miles a day without the use or necessity of a cane or any sort of assistance, and I believe I could do the same to-day but for the effects of what I have suffered in the service. I walked at fourteen months old, and was employed in my father's business (farming) as long as I remained at home.

"In the month of July, 1862, at Winchester, Va., I was prostrated by a violent attack of fever, accompanied by severe rheumatism, and was ill from that time until the latter part of August, when, believing myself able to return to duty, and being very anxious to join my brigade commander at Bull Run, I left Alexandria, Va., with a regiment of infantry and a battery of artillery that were under orders to report to General A. S. Piatt, then commanding a brigade in General Sturgis's division. I went with these troops, I think, on the 1st of September, notwithstanding my great weakness and debility, as far as Fairfax Court House, where we met the Army. We remained near Fairfax that night, and I was for many hours exposed to terrible storm of rain that fell that night. The next morning I was very ill, but did not stop until

I found General Piatt and reported to him the troops I was conducting. We then went to Fort Corcoran, or near it, and from there, after several days of severe illness and pain, I was sent away on sick leave on account of the relapse caused by the exposure to which I had been subjected in my weak condition.

"I was absent nearly a month and returned again to duty, but was still weak, and suffered much pain in my ankle and leg, and, in fact, in all of my limbs and body, but being a mounted officer I was able to perform the usual routine of duty pertaining to my position.

"At the battle of Gettysburgh my horse was shot under me, and I was considerably bruised by the fall, besides which I received several other slight injuries during the battle that I believe still affect me in the use of my foot. I remained on duty on the field, except as herein mentioned, through 1862, 1863, up to about the 1st of May, 1864, taking part during my field service in ten battles, of which the following is a list: Manassas Gap, Fredericksburgh, Chancellorsville, Beverly Ford, Gettysburgh, Wapping Heights, Auburn, Kelly's Ford, Locust Grove, and Mine Run.

"In the spring of 1864 I was relieved from duty in the Army of the Potomac and assigned to duty on staff of General Rosecrans, Department of Missouri. Having disposed of my horses before leaving the field, I had a good deal of walking to do after going to Saint Louis, and instead of being able to walk, as I had done before the war, I found the tendons of my leg and foot much contracted, and that I could not walk any considerable distance without both pain and fatigue, almost the entire weight being thrown forward and to one side, upon the ball of the little toe, causing the foot to give way under me at every step, just as it does now, or nearly so. The contracting of the tendons and muscles is, I think, at least an inch. The leg has diminished considerably in circumference, and I can scarcely estimate the loss of strength or power; certainly it has not one-fourth the action and strength it had when I entered the volunteer Army, as at that time I could walk more than four times the distance without a cane that I can now with one, and in addition could walk then free from pain, whereas my foot now becomes tired and sore, and besides my leg and foot are both extremely sensitive to the cold, and when thoroughly chilled are almost as powerless as if in a state of paralysis. Believing that I have a just claim to be retired I have submitted this statement. I am now hopelessly lame for life, a condition I believe to be due to my sufferings and labors in the service of my country, in whose behalf I am ready, whenever the necessity may arrive, to lay down my life."

A. Sanders Piatt, late brigadier-general of volunteers, testifies that he has known Benjamin M. Piatt ever since he was seven years old, and up to the time of his enlistment in the Army. Prior to that time he was able to walk 10 or 15 miles a day without difficulty, which he often did on hunting and other excursions. He believes the hardships and exposures of active service in the field have disabled and permanently injured the said Benjamin M. Piatt.

Benjamin R. Runkle, brevet colonel, U. S. Army, testifies to substantially the same state of facts, as does also H. C. Borden. Dr. M. H. Harding, the family physician of the soldier's father, says he has known Major Piatt for twenty-five years, and although always slightly lame from an early period, he was comparatively active in the discharge of his father's business, and before the war of 1861 never used or seemed to need the use of a cane in walking.

F. W. Egan, colonel Fortieth New York State Volunteers, in concluding his report of the battle of Gettysburgh, says of Major Piatt:

"Too much can not be said of this brave and gallant officer; always cool under the most trying circumstances, and by his courage and example he afforded services that were of infinite value in restoring order to my command. When his horse was shot under him he still remained in the van, always by my side, greatly distinguishing himself by noble conduct."

There are a large number of letters from army officers, generals, colonels, etc., all showing that the soldier was an exceptionally brave and efficient officer.

The following is an extract from official Army Register for January, 1885:

"Retired from active service, Piatt, Benjamin M., 2d July, 1867. Bvt. Capt. July 2, 1867. Disability in line of duty (act August 3, 1861)."

Miss Bell F. Hopkins testifies as follows:

"I have resided in the family of the late Benjamin M. Piatt for the last ten years or more. He was during all that time an exemplary husband and father, with a heart full of kindly impulses for everybody. He lived one of the purest lives, his habits being without the least irregularity and remote as could be from intemperance in every form. His right leg from hip to foot was perishing away, weakening this limb to such a degree that it was very difficult for him to get about upon it. He could walk but a short distance, say five or six squares, without becoming so fatigued as to be obliged to take a car or other vehicle. The limb was very sensitive, and at times quite painful, and was the source of much annoyance to him, frequently disturbing his usually amiable temper and causing some irritability of speech and mind.

"In the latter part of the year 1884, in passing down one of the stairs at the Gibson House, Cincinnati, he tripped and fell to the bottom, a distance of several feet, striking his forehead, over one of his eyes, on the marble floor. He remained unconscious from about 7 p. m. of that day until the next morning. The fall was a heavy one, as the major weighed over 220 pounds, and the forehead, face, and eye were black. From the effects of the fall he never entirely recovered. The side of his face on which he fell was withering away as a result of the fall, and he showed evident signs of softening of the brain. In my opinion, the fall, which was due to the enfeebled and sensitive limb, striking as he did upon his head, did more to cause the condition of mind which resulted in his death than any or all other causes or agencies. After this fall, and up to the time of his death, he complained of being dizzy and light-headed."

The affidavits of a large number of his neighbors who knew him long and well are to the effect that the major was a man of the highest order of morals, that his conduct was exemplary and strictly temperate, and that he was an ardent advocate of temperance.

He was on the retired list and had not applied for a pension at the time of his death, and no application to the Pension Office has since been made by his widow, as, owing to the manner of his death, she had no hope that an application would be favorably acted upon, and she therefore appeals directly to Congress for the relief she thinks she is justly entitled to.

After a careful consideration of the case, the committee are of the opinion that the death of the major may reasonably be considered to have been the result of the injuries to his limb received while serving in the Army, and in line of duty. In view of the long and valuable services the deceased soldier rendered the Government in its hour of need; the fact that he was retired for disabilities incurred in the Army; the needy condition of his family, and all the incidents leading up to the tragic end of the distinguished soldier, the committee are of the opinion that the relief asked for in the bill ought to be granted.

We therefore submit a favorable report and recommend the passage of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1111.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 4580.]

*The Committee on Pensions, to whom was referred the bill (H. R. 4580) granting a pension to Farnaren Ball, have examined the same, and report:*

The annexed report of the House committee sets out the grounds on which this application is based.

Your committee recommend the passage of the bill.

## HOUSE REPORT.

Farnaren Ball was the mother of Augustus F. Coldecott. The papers in the Pension Office show that the soldier entered the Army October 1, 1861, for three years, and re-enlisted in veteran service January 1, 1864; that while in the service he was taken prisoner, when he was confined about one month and paroled and mustered out in March, 1865. The soldier died June, 1872, leaving Mrs. Ball, his mother. He had never been married; at the time of his death he was drawing a pension for asthma and resulting disease of lungs.

Mrs. Ball applied for a pension in February, 1884, and the same was rejected for the reason that the soldier's death was not result of his service.

The soldier died from an overdose of opium. The evidence as set forth in the papers on file in the Pension Office is as follows:

Dr. Benj. Wilson states he knew soldier at time of his enlistment and since to his death. From frequent examinations and conversations learned he was suffering from consumption beyond recovery. Dr. Pasco testifies as to the consumption and its progress.

Emily B. Hendricks, who had known soldier since his childhood; that for a long time before his death he had become enfeebled, debilitated, a great sufferer, and died in her family, where he had lived much of the last three years; that he was in the habit of taking laudanum to relieve his suffering from spasms; that he regulated himself the doses he took; that the night before his death he had one of his distressed turns; that she believes he took laudanum, as usual, and was found insensible in morning and soon died in such condition; his feeble condition would not admit of his usual dose.

Dr. F. M. Pasco testified that he knew the soldier; that he treated him for consumption, and gives it as his opinion that it was a reasonable conclusion that he may have become temporarily insane from the sufferings and distress produced by the disease which he had.

Dr. Wilson testified that he was intimately acquainted with the soldier since before his enlistment; that the soldier had suffered greatly from frequent recurring attacks of asthma, which finally resulted in pulmonary consumption; that by reason of his suffering from pain and frequent attacks of difficult breathing so great as to indicate impending death, he, the soldier, sought relief in the use of laudanum; that the continued use was advised and prescribed by his physician as the only method of treatment possible in his case to relieve his sufferings; that it was imperative for him

to take opiates to prolong his life and to relieve the symptoms of a fatal disease. It was the demand of physical relief that caused the fatal dose to be taken. The constant use of opium was advised by his physician with the desire of extending a few months of his life. He had not been accustomed to the use of opium, and after being obliged to use it he could not live without it, until his intensified sufferings compelled him to take a dose which proved too much for him in his enfeebled condition and rapid decline, but which he might have taken with impunity before. I do not believe he intended to commit suicide, but unwittingly, in his extremity, took an overdose.

Dr. J. B. C. Baxter, of the medical staff in the Pension Bureau, says:

"It is not impossible that from the character of his disease soldier contracted the opium habit from the use of this drug prescribed by his physician. It is a question whether he took an overdose by mistake or when temporarily insane. In either case I think the claim should be admitted unless there is some legal objection. Opium is usually prescribed in such diseases as soldier had, and he could easily contract the opium habit before he was aware of it himself. If he was really insane, it would be safe, in my opinion, to admit it as a result of his disease, directly and indirectly."

The claim was rejected.

The fact that the mother is poor and that the soldier was a kind son, contributing to the mother's support, as far as he was able, is undisputed.

The committee are of the opinion that this is a case entitling the poor mother to the relief granted by this bill, and therefore recommend that the bill do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1112.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 8164.]

*The Committee on Pensions, to whom was referred the bill (H. R. 8164) granting a pension to William H. Hester, have examined the same and report:*

Your committee have carefully considered the evidence in this case as set out in the report of the House committee hereto appended, and recommend the passage of the bill.

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### HOUSE REPORT.

William H. Heister (not Heisler) first enlisted in the Union Army under the name of William Hester on August 10, 1862, for three years, in Company C, Sixty-ninth Indiana Volunteers, when, from the evidence in the case bearing upon his age, he was seventeen years old.

A report from the office of the Assistant Adjutant-General, under date of February 13, 1884, shows that he was on the muster-rolls to October 31, 1862; was wounded in battle near Richmond, Ky., August 30, 1862, at which place and date, as shown by said report, his company was in action. On September 2, 1862, same report shows him home on furlough, having been paroled. Rolls for November and December, 1862, show him to have been discharged by writ of habeas corpus November 20, 1862, at Indianapolis, Ind. Prisoner of war records show him paroled at Richmond, Ky., 1862, date of capture not given. From an examination of claimant held by Special Examiner M. H. Parks, at Eureka Springs, Ark., December 1882, it appears from his evidence that claimant enlisted in the Sixty-ninth Indiana Volunteers some time in August or September, 1862; was wounded and taken prisoner at Richmond, Ky., and having enlisted under age, his father instituted habeas corpus proceedings, which resulted in his discharge.

He enlisted on March 25, 1864, in Company H, One hundredth Indiana Volunteers, as appears from the Assistant Adjutant-General of date April 10, 1882, which report represents him present as to May and June, 1864, same report as to April 30, 1865 (the last roll on file). He was transferred (date not given) to Company G, Forty-eighth Indiana Volunteers, and was discharged with his company July 25, 1865.

On October 30, 1868, at Topeka, Kans., he enlisted in Company M, Nineteenth Kansas Cavalry, to serve for six months. The same report from the Assistant Adjutant-General last above named shows him present October 31, 1868, name not borne on returns for December, 1868, or January, 1869; mustered out with company April 18, 1869, at Fort Hays, Kans., as a private.

On August 29, 1881, claimant filed his application for a pension, alleging that at Fort Dodge, Kans., on January 1, 1869, he contracted sore eyes, from which he never recovered, and which continued to grow worse, causing total blindness. On February 7, 1882, he was examined by the medical examining board in this city (Washington), who, to quote the exact language, reported him "practically totally blind," and that he required the constant aid and assistance of another person.

In an affidavit filed July 14, 1882, claimant alleges that on the 15th day of January, 1869, while in the service and line of duty and while on guard at night (guarding the horses) at Fort Dodge, Kans., there prevailed a very strong bleak wind, which carried with it dust and sand; that he took a severe cold, and the next morning his eyes were badly inflamed; that it was nearly a month before he was able to perform any duty again, and then only on company guard for two hours, but was never thereafter able to go on picket or regimental guard; that his eyes continued to grow worse from that date; that the captain of the company frequently requested affiant to go to the hospital, but he preferred to and was permitted to remain with his company, but was relieved from duty; and that at the expiration of his service he was discharged with the company. From the claimant's evidence, which is satisfactorily corroborated, he became blind in the fall of 1880.

The claimant employed one H. F. Hill, of Eureka Springs, Ark., as his agent to prepare his original application and prosecute his claim; another agent at same place named Charles H. Miller, also one William F. Burch, a brother-in-law of the claimant, became interested in the prosecution of the claim.

The whole three were a set of scoundrels, and in 1882 Hill and Miller were both in the penitentiary, having been convicted by the United States district court at Fort Smith, Ark., for fraudulent practices in connection with certain pension cases. It does not clearly appear that Burch, who in 1882 was a fugitive from justice, was operating with Hill and Miller generally, but he took a hand with them in efforts to supply certain affidavits deemed by them essential to success, and among them, by joint action, as it seems, the affidavits of the captain of the company in which claimant last served (who was at the time dead) and those of two comrades were forged and filed in the cause. In the course of the progress of the claim suspicion was aroused at the Pension Office that fraud was being attempted, and the case was referred to special examiners in the field, who were directed to make thorough examination, which was done and the frauds clearly shown.

From a careful consideration of all the evidence your committee are confident that the claimant was not a party to the frauds of Hill, Miller, and Burch. The claimant at the time was totally blind and in very dependent circumstances, with a wife and three children to be supported by friends and charity. Miller (acting, no doubt, for himself and Hill) procured of claimant a promise to pay him one-third of the amount of pension recovered, and then proceeded to do the business according to methods then in practice by him. That these men kept their villainous schemes to themselves, and did not acquaint claimant with them, is evident from a number of points in the evidence, to recite all of which would require much time and space. They procured of claimant the names and last-known addresses of the captain of the company and two comrades, proceeded to draught the necessary affidavits, not disclosing the post-office addresses of the respective witnesses, and, after a time, informed claimant that they had procured them, and handed them to him, and he turned them over to Miller, who finally brought claimant to Washington to have the business completed by an examination, etc. Later, upon calling upon claimant, who had returned home, for the post-office addresses of the parties whose affidavits had been forged, he replied with frankness, giving the addresses surmised when Hill, Miller, and Burch applied to him, and as to which they later confirmed his impressions. This led at once to the special examinations, not only of such of the three witnesses as were alive, but of a large number of others; and while there are some points as to which conflicts of evidence exist, yet a review and careful analysis of all the evidence has satisfied your committee that when claimant enlisted in the Nineteenth Kansas Cavalry he was free from disease of the eyes; that he incurred disease of the eyes in the service; had sore eyes at discharge, which continued to gradually grow worse, until, in the fall of 1880, he became totally blind.

The claimant enlisted three times as a soldier between the years 1862 and 1869, and while nothing affirmatively appears as to medical examinations upon enlistment the presumption is he was each time carefully examined by competent surgeons. The reports from the Adjutant-General's Office, while exhibiting considerable in his favor, show not the least suspicion of disease to eyes at either enlistment. Men for whom he worked on farms, both immediately before enlistment and after discharge, give clear evidence as to prior soundness and subsequent diseased condition, and in most cases these witnesses are vouched for by the respective special examiners who took evidence in the cause as being of good reputation, while of the claimant himself Special Examiner M. H. Parks declared in his report as follows:

"The claimant is a clear-headed, intelligent man, and the manner in which he told his story and the satisfactory answers he gave to the questions I put to him left the impression that he was telling the truth."

The examination of claimant by Parks was lengthy and thorough and skillfully conducted, and in the opinion of your committee the result justified the impressions of claimant on the part of the examiner as expressed in the above quotation from his report. The claimant in an affidavit filed with the papers declares that he had no

knowledge of the attempt of Miller, Hill, and Burch to commit a fraud on the Pension Office.

In conclusion, while the attempt to commit an infamous fraud upon the Pension Office was well calculated to arouse a strong prejudice against claimant, and while some features of the evidence taken in examinations, if credited and not carefully analyzed and compared with other well-sustained proof, may have justified the Pension Department in rejecting the claim and adhering thereto, your committee, notwithstanding an original sense of prejudice, have concluded that the claimant is not chargeable with the attempted frauds; that he is innocent of any complicity therein, and that the evidence as a whole sustains his right to a pension at the hands of Congress.

In view of the foregoing, the committee recommend that the bill do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1113.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2738.]

*The Committee on Pensions, to whom was referred the bill (S. 2738) granting a pension to John G. Merritt, have examined the same and report:*

The following report was made by your committee on this case during the Forty-fifth Congress, and a bill was passed then, giving claimant a pension of $24 a month, which he is now receiving under that act. He now asks that this pension be increased to $45 per month on account of increased disability, the grounds for which are set forth in the following statements:

That John G. Merritt, late a sergeant in Company K, First Regiment of Minnesota Volunteer Infantry, was pensioned at $18 per month for shell wound of the left leg below the knee.

He filed an application for increase, alleging that the wounded limb is gradually wasting and is the source of constant and severe pain, and that his disability is equivalent to the loss of the limb for purposes of manual labor.

He was examined May 25, 1878, by the board of examining surgeons, Washington, D. C., who find "shell wound of left leg, fracture of tibia and fibula just below the middle third; cicatrices large and adherent, and great deformity; leg shortened 4 inches; ankle-joint swollen, motion impaired; evident loss of strength, causing great lameness, equivalent to loss of hand or foot."

The claim was rejected on the ground that he is now receiving the highest pension allowed by law for disabilities of a like nature.

He claims that his limb, in the condition it now is, is as useless as though it had been amputated at or above the knee-joint, and asks that this special act be passed increasing his pension to $24 per month.

The committee regard the claim of the applicant as sustained by the evidence, and recommend the passage of the bill.

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*To the honorable Senate and House of Representatives in Congress assembled:*

Your petitioner, John G. Merritt, of the State of Minnesota, respectfully represents, that being a soldier of the First Regiment Minnesota Volunteer Infantry, in the late war of the rebellion, was severely wounded while engaged with his regiment in the battle of Bull Run, in the State of Virginia, on the 21st of July, 1861. I was wounded in my left leg below the knee. The leg is 4 inches shorter than the right one and entirely useless so far as manual labor is concerned; is constantly swollen and inflamed (see medical examination) and very much shrunken in size from knee to hip joint. The wound has discharged constantly for the last ten or twelve years, and has to be dressed daily, and at times requires constant attention from my wife or one of my children, and during the last ten years I have undergone five surgical operations, giving me temporary but not permanent relief; my suffering is great and constant.

I now receive as a pension but $24 per month, and I consider myself entitled, on account of increasing disability, to receive the same amount as those pensioners who have had their limbs amputated above the knee and are prevented the use of an artificial limb.

JOHN G. MERRITT.

APRIL 20, 1888.

WASHINGTON, D. C., *April* 17, 1888.

I hereby certify that I have examined Mr. John G. Merritt, and find that he is suffering from necrosis of the bones of the left leg, the result of gunshot wound fracturing both bones. The leg is deformed, shortened, and painful, with chronic ulcers about the seat of injury. He has undergone several serious operations without relief, one of which I performed myself about four years ago. The condition is incurable and he would probably be better off with the leg amputated.

J. FORD THOMPSON, M. D.,
804 *Seventeenth Street.*

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WASHINGTON, D. C., *April* 16, 1888.

This will certify that I have been called upon to render professional services to Capt. J. G. Merritt, late sergeant of Company K, First Regiment Minnesota Volunteers, and find after a careful examination that he is suffering from the effects of a gunshot wound of the left leg below the knee.

The wound is still open and at times becomes very much swollen and inflamed, and within the last few years has frequently discharged pieces of dead bone, and I believe that unless an improvement takes place, which is not warranted by the present condition, that an amputation will be necessary.

By the constant absorption of septic matter his health has been very much broken down.

There is also an atrophy or shrinking in the size of the limb, it being by measurement 2 inches less in circumference than the right, and as a consequence a corresponding weakness. His sufferings at times are intense.

J. W. BAYNE, M. D.,
*Late A. A. Surg., U. S. Army.*

Your committee recommend the passage of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1114.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of Mary N. Robinson.]

*The Committee on Pensions, to whom was referred the petition of Mary N. Robinson for a pension, have examined the same and report:*

The husband of the applicant died in the service November 1, 1882, of disease contracted in line of duty. The widow applied for a pension February 7, 1884, and it was granted at the rate of $17 per month, commencing on the date on which her application was filed. She now petitions Congress to date her certificate from the death of her husband and pay arrearages amounting to about $257.

The committee is of the opinion that the widow has received all to which she is entitled, and therefore recommend that her petition be denied.

60TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1115.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of Olivia Draper.]

*The Committee on Pensions, to whom was referred the petition of Olivia Draper for a pension, have examined the same and report:*

The husband of the petitioner was a private in Company H, First Delaware Volunteers. He enlisted September 13, 1861, and was discharged September 30, 1864. The soldier filed a declaration May 21, 1880, and was pensioned at $6 per month, for disease of eyes and chronic diarrhea. November 27, 1886, he was struck by a locomotive while performing the duties of flagman at a crossing and was killed. The widow asks for a pension on the ground that her husband's death was caused by impaired vision resulting from disease of eyes.

As the examining surgeons, who admitted disease of the eyes, were pronounced in their opinion that there was no impairment of vision, the committee does not feel justified in granting the petition, and therefore recommend that it be denied.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1116.

IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany petition of Elisha M. Luckett.]

*The Committee on Pensions, to whom was referred the petition of Elisha M. Luckett for a pension, have examined the same and report:*

The petitioner was a second lieutenant in Company B, Second Pennsylvania Volunteers of the Mexican war. He was pensioned October 7, 1854, at the rate of $15 per month for chronic diarrhea. Subsequently this was reduced to $7.50 per month on the recommendation of the examining surgeon. He now petitions Congress to grant him arrears of pension from June 8, 1847, to October 7, 1854, when pension was allowed. From the evidence it appears that the soldier has already been liberally pensioned for his disability, and the committee therefore recommend that his petition be denied.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1117.

# IN THE SENATE OF THE UNITED STATES.

APRIL 24, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany the petition of Robert W. Simmons.]

*The Committee on Pensions, to whom was referred a petition of Robert W. Simmons, praying for increase of pension, have examined the same and report:*

The petitioner is now in receipt of a pension at $30 a month for "double inguinal hernia and incontinence of urine." On the 8th of June, 1887, the petitioner made application for increase on ground of "the increase and aggravation of the disabilities for which now pensioned, and for resulting partial paralysis of right side, loss of sight of right eye, with partial loss of sight of left eye, and loss of hearing of right ear," and alleged as a consequence that he was "so far helpless as to require the constant daily attendance and aid of another person."

The evidence offered in support of this application failed to show that his disabilities were such as to require the "regular aid and attendance" within the meaning and intent of the law, and the claim was rejected on that ground January 25, 1888. After this rejection an order was made for his examination, which the petitioner declined, as appears by the following indorsement on such order by the medical referee:

> The examination was not ordered for the reason that after proper explanation pensioner did not desire it to be made, inasmuch as he does not require the regular aid and attendance of another person.
>
> JOHN CAMPBELL, M. R.
>
> FEBRUARY 27, 1888.

If he does not require the regular aid and attendance of another person the pension he now receives is all that the law allows, and the committee therefore report unfavorably upon his petition, and ask to be relieved from its further consideration.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1118.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1837.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1837) to amend the military record of Timothy McCarty (or McCarthy), submit the following report:*

The claimant was a soldier in the Federal Army, serving as a private in Company C, One hundred and first Pennsylvania Volunteers, from October 19, 1861, until his discharge on September 14, 1862. On June 27, 1864, he was enrolled and mustered as a private in Company D, Fourth Kentucky Mounted Infantry Volunteers, and on July 29 of the same year he was taken a prisoner of war near Jonesborough, Ga.

The claimant filed an application for a pension in the Pension Office on March 5, 1879, for alleged contraction of disease of heart while in the service and line of duty about June 1, 1862, and in his statement in support of his application filed in the Pension Office, said that on his capture he was carried to Andersonville, (Ga.) prison, kept there about three months, and carried thence to Charleston, and thence to Florence, where he was kept until February, 1865. The claimant further stated that—

> He was naturally very anxious to be released, but saw no hope of release until the rebel authorities proposed to all foreign-born Union soldiers to enlist in their ranks. Affiant accepted their proposition, but with no disloyal feeling or any purpose to take up arms against the United States Government, but as the only available means of release from the sufferings of rebel prison and hope of escaping to the Union lines.

Affiant further states that after he enlisted in the rebel army—

> The rebel authorities sent him with others to Salisbury to repulse General Wilson's expected attack in March, 1865; that as soon as Wilson approached with his command he rejoined the Union forces; that he was then taken with prisoners to Knoxville, and on to Nashville, when he again took an oath of fealty to the United States Government.

He was finally mustered out with his company at Macon, Ga., August 17, 1865.

The "prisoners of war records" show that McCarty (or McCarthy) was recaptured by General Stoneman while in arms against the United States Government at Salisbury, N. C. The application for pension was properly rejected for this reason (see Sec. 4716, Revised Statutes).

Your committee can not accept any excuse for the enlistment of a Union soldier in the Confederate army. To relieve the claimant from the charge of desertion would make a very pernicious precedent, de-

structive of military discipline, and be a great injustice to the memory of the thousands of Union soldiers who perished in Southern prisons rather than to take up arms against their country.

Your committee report back the bill and recommend that it be indefinitely postponed.

The following letter from the Commissioner of Pensions is attached to this report for further information:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
*Washington, D. C., March* 12, 1888.

SIR: In response to your request of the 3d instant, to be informed what the records of this Bureau show in relation to the bill (S. 1837) to amend the military record of the above-named claimant, I have the honor to say that the claimant filed a declaration in this Bureau March 5, 1879, alleging that he contracted disease of heart while in the service and line of duty about June 1, 1862.

The record of this man's service, as shown by the report of the War Department, is as follows:

Soldier was mustered in as private, Company C, One hundred and first Pennsylvania Volunteers, on the 19th of October, 1861, and was discharged September 14, 1862. Enrolled and mustered as private, Company D, Fourth Kentucky Mounted Infantry Volunteers, on the 27th day of June, 1864; reported on roll of that company for duty July and August, 1864; absent, prisoner, since July 29, 1864. To October 31, 1864, absent, prisoner of war; same to June 30, 1865. Mustered out with company at Macon, Ga., August 17, 1865. Prisoner of war from July 30, 1864, to May 1, 1865. Company was in action at Lovejoy's Station, Ga., July 29, 1864.

Prisoner of war records show him captured at Jonesborough, Ga., July 29, 1864; enlisted in the Eighth Confederate States Infantry at Salisbury, N. C., and was recaptured by General Stoneman, while in arms against the United States Government, at Salisbury, N. C.; he voluntarily made known that he formerly belonged to the United States Army, and claimed that he deserted from camp of prisoners of war to escape starvation; confined at Nashville, Tenn., and was released on taking the oath of allegiance July 5, 1865. No evidence of disability on said records.

He was discharged from his first term of service on a certificate of disability, stating as follows: "Functional disease of the heart, making him totally unable to undergo fatigue."

The claimant has filed the following statements, in explanation of his enlistment in Confederate service:

"That at Savage Station, Va., about June 1, 1862, while on picket duty, he was greatly startled by a battery suddenly opening fire in a quarter that he *was not expecting it from*, causing a peculiar jerking sensation in the vicinity of his heart, and has since suffered from disease of heart; (2) that he was taken prisoner in July, 1864, near Jonesborough, Ga., on what was known as Stone's raid; that he was carried to Andersonville, Ga., prison; that he was kept there about three months; carried thence to Charleston, and thence to Florence, where he was kept until February, 1865; that up to that time many Union prisoners had been exchanged; he was naturally very anxious to be released, but saw no hope of release *until the rebel authorities proposed to all foreign-born Union soldiers to enlist in their ranks.*

"Affiant accepted their proposition, but with no disloyal feeling or any purpose to take up arms against the United States Government, but as the only available means of release from the sufferings of rebel prison and hope of escaping to the Union lines; that after he enlisted the rebel authorities sent him with others to Salisbury to repulse General Wilson's expected attack, in March, 1865; that as soon as Wilson approached with his command he rejoined the Union forces; that he was then taken with prisoners to Knoxville and on to Nashville, when he again took an oath of fealty to the United States Government; that after remaining some time in Nashville he reported to the provost-marshal at Louisville, Ky., where he was then furnished transportation to Macon, Ga., where his regiment was stationed, and with which he was finally honorably discharged September 14, 1865; that his going through the form of enlistment in the rebel army was not done with any taint or motive of disloyalty to the United States Government, but was seized upon by him as what seemed at that time the only means of escape from starvation and death in rebel prison; (3) that while at Florence, S. C., being in a starvation condition, and suffering greatly from disease contracted in the service of the United States, in order to save his life, and with the intent and full purpose of making his escape at the first opportunity, he consented to take an oath of allegiance to the Confederate Government (so called), and was released from prison and furnished regular rations; that he was sent to Charlotte, N. C., and kept for two weeks without arms; that at the very first opportunity, which was on or about the 25th of March, 1865, he threw away his arms and made

his escape to the Union lines at Salisbury, N. C., and was sent to Greensborough, Tenn., and finally to Nashville, Tenn., where he was kept until July, 1865; from there reported to the provost-marshal at Louisville, Ky., and furnished transportation to his regiment at Macon, Ga."

The claim was rejected by this Bureau under the provisions of section 4716,* Revised Statutes, as follows:

"No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who, in any manner, voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States."

The action of the Bureau was approved by the Department, May 7, 1887, as follows:

"The Department finds little to add to your report of November 27, 1886, and which is fully concurred in. This man voluntarily entered into the military service of the enemy while he was an enlisted man belonging to the Army of the United States. With his *motives* in doing this, we have nothing to do. He must be judged by his *acts* alone, and hence, whatever may have been his thoughts and purposes, constructively he was a deserter to the enemy, an offense punishable, under the Articles of War, with death. That he was not so tried and punished is no defense. The fact remains that he joined the ranks of the enemy, an act that must be construed as 'giving him aid and comfort,' and hence his right to pension is barred under the statute. (Sec. 4716, R. S.)

"In the letter of rejection from your office, of date April 23, 1883, it was fully explained to the claimant that to grant the pension prayed for would be in direct violation of the law. The Department reiterates this and desires to impress upon the claimant that the Secretary of the Interior has no power to change the law or to depart from it. His duty is only to *apply* the law; and in doing so in this case he dismisses this claim as devoid of merit."

Very respectfully,

JOHN C. BLACK,
*Commissioner.*

Hon. W. M. STEWART,
*U. S. Senate.*

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* Amended by act approved March 3, 1877, as relates to subsequent service in the U. S. Army.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1119.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2663.]

*The Committee on Pensions, to whom was referred a bill granting an increase of pension to Mrs. Mary M. Ord, have examined the same and report:*

The petitioner, Mrs. Mary M. Ord, is the widow of the late General E. O. C. Ord, who died of yellow fever at Havana on the 22d of July, 1883.

General Ord was graduated at the Military Academy, West Point, in 1839. His first service was in the war with the Seminole Indians, in which he remained from 1839 to 1842. He also participated in the war with Mexico, but his last conspicuous service was during the civil war, in which he was engaged with distinguished success. He became a brigadier-general in command of volunteer forces in 1861, and for bravery at the battle of Iuka he was made brevet colonel in the regular Army. He commanded the Thirteenth Corps at the siege and capture of Vicksburg, and subsequently was transferred to the Army of Western Louisiana. He commanded successively the Thirteenth Corps in the Department of the Gulf, the Eighth Corps, and all the troops in the Middle Department. He was made brigadier-general in the regular Army in July, 1866. In January, 1865, he relieved General Butler of the command of the Departmant of Virginia and North Carolina and of the Army of the James, and afterward was assigned to the Department of the Ohio, from which he was transferred to the Fourth Military District, comprising Arkansas and Mississippi. This was in the time of the reconstruction agitation, and General Ord proved himself to be as wise as a military governor as he was brave as a soldier.

In his general order announcing the death of General Ord, General George D. Ruggles, Acting Adjutant General, said:

> Distinguished among his country's defenders, General Ord was a soldier of national repute. Through his long military service, reaching towards half a century, his career has been marked by a faithful, devoted, and intelligent discharge of duty, by personal gallantry, by honest administration, and by a firmness which was not weakened by his great kindness of heart. As his intimate associate since boyhood, the general here bears testimony of him that a more unselfish, manly, and patriotic person never lived.

The widow is now receiving a pension of $50 a month, and it is inadequate for the support of herself and three dependents of her family. She was left by her husband's death in a state of pecuniary embarrass-

ment; a circumstance which is not remarkable when it is remembered that a protracted army life, extending, as in this case, to nearly half a century, is not conducive to financial prosperity.

It is a case in which, in the opinion of the committee, it is not only the right but the duty of Congress to extend relief, and the bill is reported favorably with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1120.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 4519.]

*The Committee on Pensions, to whom was referred a bill granting a pension to William J. Miller, have examined the same and report:*

The House report upon which this bill was passed is adopted, and is as follows:

The claimant in this case enlisted October 2, 1862, as a private in Company G, One hundredth Pennsylvania Volunteers, and was discharged April 2, 1865. He filed an application for pension in 1865, claiming that while detailed to drive teams at division headquarters a mule threw him and injured his back very severely. The claim was rejected in the Pension Office upon the ground that no disability in a pensionable degree on account of rheumatism has existed since filing the claim.

The evidence shows that claimant was discharged for chronic rheumatism the 2d day of April, 1865, and that his general health was so much injured as to unfit him for the Veteran Reserve Corps.

The late assistant surgeon of the One hundredth Pennsylvania certifies, October 15, 1865, that he has that day carefully examined claimant and finds that he is suffering from an injury to the spinal column and lumbar muscles as the result of a hurt said to have been received while in the service.

"The injury to this man I believe to be permanent and unfits him entirely for the prosecution of his profession. He is compelled to walk with a cane, and can not stoop to the ground for anything without getting down on his knees, and in my opinion he is totally and permanently disabled."

I. P. C. Murdoch, Henry A. Miller, and others testify that when he came home from the service he was suffering severely from rheumatism.

The examining board at Kansas City, Mo., reports that claimant walks with an unsteady gait and can hardly walk at all with eyes closed; there is tenderness and loss of sensibility at junction of sacral with spine. His back and hips appear to be stiff and yet no real anchylosis. They report him totally disabled.

The claimant seems to have been unable to establish the origin of his disability, as claimed, from the fact that having been detailed at headquarters he was away from his comrades and those who knew him intimately. The fact that he suffered severely from rheumatism in the Army seems to be clearly shown by hospital records and by evidence of his officers and comrades; that he was suffering at the time of his discharge and has been suffering ever since is established beyond a question of doubt. That he was sound at enlistment is equally certain. The papers have been in the hands of many special examiners, and, without exception, they all reported that there is merit in the case, and that, if the injury by being thrown from the mule could be established, the case would be a clear one. The matter seems to be very much mixed up as to the real cause of the disability. The claimant has failed to establish the fact of the alleged injury, but has shown conclusively that he suffered in the service from rheumatism. It may be possible that what was called rheumatism in the service was simply the result of the injury, and this seems highly probable from the fact that the surgeon of the regiment certified soon after discharge that the man was suffering from injury to the spine.

The examining board now report the disability, but do not attribute it to rheumatism.

It seems to your committee that it makes very little difference what the doctors call it so long as the disability and the suffering existed, and there can be no doubt but that the disability was incurred in the service, and that it existed at the time of discharge and has continued ever since and the man is totally disabled.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1121.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 8211.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Lafayette Lakin, have examined the same and report:*

The House report on which this bill was passed is adopted, and is as follows:

The claimant in this case enlisted on July 5, 1848, as a landsman in the United States Navy, and was discharged September 6, 1850. In his application for pension, filed July 8, 1886, he alleges that he contracted a severe cold, resulting in chronic nasal catarrh, pain over the eyes, and loss of sight. His application was rejected on the ground of no record, the claimant being unable to furnish satisfactory testimony.

In his affidavit he says that going from Norfolk, Va., on sloop of war *Albany*, en route to Vera Cruz, Mexico, he caught a severe cold in the autumn of 1848, causing pain in the head and resulting catarrh; that during the next year, picketing off Block Island on the Mississippi coast at the time of the Lopez expedition, he contracted another cold, increasing his catarrh trouble, of which he had never recovered since the first attack, and from which combined attacks he has never recovered; that as a result of this disease his eye-sight has been gradually failing him, and that now he is nearly blind.

The journals of the steam-ship *Albany* show that claimant was admitted to the hospital December 9, 1848, with cephalalgia, origin not stated. Medical referee of Pension Office says this is a premonitory symptom of catarrh.

The journals of the *Pennsylvania* and of the *North Carolina*, upon which he subsequently served, afford no information.

Mrs. Elizabeth McCaull testifies that she has known claimant from childhood, and up to the time of enlistment she had never seen any sign of disease; that he was considered a healthy man; that since his return from the service he was suffering from catarrh, and knows that he has been a constant sufferer therefrom ever since. This has been followed by a general breaking down in health and loss of eye-sight.

John D. B. Lakin testifies that he was more or less in the company of Lafayette Lakin during the time prior to the year 1848; that claimant was then and had been in good health; was considered by all acquainted with him a healthy man; that on his return home he was suffering from catarrh.

Arthur D. Kinney, thirty-three years of age, testifies that he has known claimant from his (affiant's) boyhood, and that he has been troubled with nasal catarrh during all the time of their acquaintance.

Daniel Candy testifies that he has been personally acquainted with claimant since 1850, and knows that he has been a sufferer of chronic nasal catarrh ever since. Says that his knowledge is obtained through personal observation; that said Lakin came to his home in Memphis, State of New York, in the autumn of 1850, having just received his discharge from the United States Navy, and remained with him during the winter, and was employed by him during the year 1851 as clerk in his grocery store, and that he lived a neighbor to him until 1860.

The examining board at Cortland, N. Y., report him as totally blind in the right eye; that the vision of the left eye is seriously impaired, and that there is an aperture in the septum narium about a half inch in diameter, the margin of which is in an ulcerated state.

The claimant for many years managed his business affairs, sturdily refused to ask for a pension, but finding himself now in his advanced age, through business misfortunes, unable to care for himself, he seeks from the Government that aid to which he has so long been entitled. The man's condition is indeed a sad one. He will doubtless be in a few months totally blind. This condition is the result of the nasal catarrh.

The evidence satisfies your committee that the disability was contracted in the naval service of the United States; that it has continued ever since.

**The bill is reported favorably, with a recommendation that it do pass.**

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1122.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 5237.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Noah S. Cramer, have examined the same and report:*

The House report upon which the bill was passed is adopted, and is as follows:

Cramer served as landsman, U. S. Navy, from August 24, 1864, to June 29, 1865, when discharged.

He filed his application for pension December 24, 1879, in which he alleges that while on the *Aphrodite*, about October 3, 1864, he was wrecked near Beaufort, N. C., and was kept wet and cold for three nights and days without change of clothing, in consequence of which he contracted rheumatism. The claim has been rejected, and the rejection affirmed by the Secretary of the Interior, on the ground that the evidence fails to show that the alleged rheumatism was contracted in the service and line of duty.

The records of the Navy Department show that claimant was transferred to the *Aphrodite* September 29, 1864; that the same was lost and no rolls furnished to the Department. He was transferred to the *Monticello*, and there served as paymaster's steward, on account of his lameness, as he alleges, until his discharge. The records furnish no evidence of treatment in the service. The claim was specially examined in 1882, and upon this examination was based the action of the office in rejecting the claim. It is true that the special examination failed to disclose any medical treatment for rheumatism until the fall of 1865, probably three or four months after discharge. But it is shown thereby that he had diarrhea, and complained of pains in his bones, and was treated therefor immediately after discharge. A continuous disability from rheumatism is clearly established by the testimony and the medical examinations in the case. The only known officer of the vessel on which claimant last served has no personal knowledge of the alleged disability, but three shipmates testify to the incurrence of rheumatism and its existence in the service. The special examiner failed to interview one of these witnesses because at the time "he was not sober enough to have his deposition taken;" the other two in substance affirmed their former statements.

There are also on file two letters written by the claimant, one to his mother, the other to his brother, then a practicing physician. The first, bearing date of March 4, 1865, says: "I have a bad cold, and am very lame at times;" the other, written shortly after discharge, alludes to his illness and confinement to bed.

While the evidence in the case may not be conclusive enough to warrant favorable action in the Pension Bureau, yet your committee can not but reach the conclusion that the disability from which claimant has suffered since discharge is directly chargeable to the exposure endured by reason of the shipwreck heretofore referred to.

The bill is reported favorably, with a recommendation that it do pass.

O

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 5847.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Elizabeth Twigg, have examined the same and report:*

The report on which this bill passed the House is adopted, and is as follows:

Elizabeth Twigg is the mother of Henry Twigg, who was a private of Company H, Fourteenth Regiment United States Infantry.

The soldier enlisted in said service July 16, 1861, and was discharged January 15, 1862, upon surgeon's certificate of disability, and died June 14, 1866, leaving neither widow nor minor child surviving him.

The mother's claim for pension was rejected by the Pension Office on the ground that no record or other evidence established that death of soldier was due to the service and line of duty.

The soldier's discharge, as stated in said certificate of disability, was because of hernia, which entirely disabled him from duty as a soldier. It is also stated in said certificate that "said Henry Twigg had hernia when enlisted," though all other testimony on file, of his comrades and neighbors, attests his soundness prior to and after enlistment, and (which seems conclusive of the fact) the examining surgeon certified, in the soldier's original enlistment papers, that he carefully examined said Twigg, "and that in my opinion he is free from all bodily defects and mental infirmity which would in any way disqualify him from performing the duties of asoldier."

The evidence also shows the continued good health of the soldier until the time of the sickness which resulted in his discharge, the cause and course of which is stated by Sergt. W. H. Myers, of the same company, as follows:

"I first met him at Fort Trumbull, Conn., on or about August 15, 1861. Shortly after the regiment was ordered into Camp Thomas. Never knew him to be sick in said camp. Shortly after the regiment was ordered to Perryville, Md., arriving on or about 1st November, 1861. I remember Twigg doing picket duty with me up the river some time in November, 1861. * * * I was sergeant of the guard. * * * I remember it being a cold, stormy time; wood wet; men shivering and wet, and insufficient tenting to protect the men. I remember Twigg from the fact he seemed to be always the life of the company—jovial and happy. On this occasion he was taken sick. Twigg complained to me of aching pains in head, breast, and over the abdomen, claiming he had caught a severe cold, which indications proved to me by his hoarseness and continued coughing. I ordered him to camp, * * * and afterwards saw him in regimental hospital, to my judgment a very sick man. * * * Twigg seemed to me to be entirely broken down."

A special examiner of the Pension Office reports said Myers's "reputation and standing good—A No. 1."

The public record of said soldier's death states "abscess" as "disease or cause of death."

Dr. A. C. Dedrick, formerly an army surgeon, testifies that he attended the soldier professionally after his discharge until his death, and that—

"He was suffering from hernia and a broken-down constitution generally, as regards health, arising, as I was informed and believe, from exposure while in the Army. * * * Near the close he had a large inguinal abscess, which opened exter-

nally, after which he rapidly sank. Whether in his case the immediate cause of death was more the result of this than from the general break-up of the powers of life—a distinction of infinitely small moment, if justice is the object in view—at this late date I am quite unable to say."

The fact is clearly established that, from the time of his discharge to the time of his death, the soldier was completely broken down in constitution and health, unable to perform any manual labor, and continually growing weaker until he died.

The mother has been a widow for many years; she is without property, and dependent upon her own labors for support; and her dependence upon her said son, prior to his enlistment, is established.

**The bill is reported favorably, with a recommendation that it do pass.**

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1124.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 88.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Sally A. Randall, have examined the same and report:*

The following is the report upon which this bill passed the House; it is adopted:

The claimant was the wife of Antipas Tabor, who, as the record shows, served as an enlisted man in the war of 1812, in Captain Seth Staples's company, of the Third Regiment, Second Brigade, Massachusetts Militia, from September 27 to October 30, 1814, and was honorably discharged. Antipas Tabor died at Trinidad, on the Island of Cuba, April 11, 1831, and his widow, the claimant, married Albert Randall on February 20, 1853. Albert Randall died on October 19, 1873, and since that date the claimant, Sally A. Randall, has been, and still is, a widow.

The evidence in the case establishes the above facts and further shows that Mrs. Randall is a worthy woman, seventy-five years of age, in needy circumstances, with health much impaired. The petition for her relief was signed by prominent citizens of Norwich, Conn., where she now resides.

The claimant has not filed claim for a pension in the Bureau of Pensions, being debarred, under a decision of July 7, 1887, from a widow's title to an 1812 pension, on account of her remarriage, notwithstanding the death of her second husband and her present widowhood.

The bill is reported favorably with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1125.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 481.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Hannah Varquison, have examined the same and report:*

The House passed this bill on the following report, which is adopted:

The claimant in this case is the widow of John M. Varquison, private of Company A, One hundred and forty-first Regiment of Pennsylvania Volunteers. The soldier at the time of his death was receiving a pension for disease of the lungs. The application of the widow was rejected on the ground that the fatal disease was not due to the disease of the lungs. The cause of the soldier's death, as shown by the evidence on file, was congestive apoplexy, complicated with lung disease.

The physician attending him at the time of his death says that he was first taken sick with congestive apoplexy. The second day he had an attack of pleurisy of the right side. His lungs troubled him from the first; expectoration indicated chronic pneumonia, but the immediate cause of his death was that the cerebral hyperdermia produced strangulation.

Your committee are utterly unable to decide from the evidence submitted to them whether the immediate cause of the death of the soldier was from the lung trouble or disease of the brain, but it seems absolutely certain that at the worst the brain trouble only hastened his death a few weeks or months, as death must have resulted from the lung trouble before many months.

The bill is reported favorably with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1126.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 7181.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Aletta V. Quick, have examined the same and report:*

The House passed this bill on the following report, which is adopted:

The claimant is the mother of Abram Quick, who died of typhoid fever April 9, 1863, while serving as sergeant-major of the Thirtieth Regiment New Jersey Volunteers. Her claim for pension has been rejected by the Pension Bureau on the ground that at time of the son's death she was comfortably supported by her husband, and therefore not dependent upon the soldier. It is true that at the critical period and for years thereafter the claimant's husband was in possession of real estate sufficient to afford their support. He had not then come into full possession of the property, the same belonging to his father. Upon the latter's death, however, probably about 1866, he became sole owner of one-half of the farm of 224 acres, heavily encumbered, however, and by reason of bad management, serious disability, and other causes it gradually passed out of his possession, until now claimant is really dependent.

It is also shown by the evidence on file that the soldier sent money home during his service. He died leaving neither widow nor minor child surviving him.

The rejection of the mother's claim by the Pension Bureau on the grounds heretofore referred to, it is admitted, was proper under the requirements of the general pension law. But Congress in many instances has adopted a more liberal view by recognizing present dependence upon others as sufficient ground for special legislation. In fact a change in the law looking in that direction has been recommended by the Secretary of the Interior and the Commissioner of Pensions, and such a measure is now before the House.

The bill is reported favorably with a recommendation that it do pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1127.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 5234.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Cyrenius G. Stryker, have examined the same and report:*

The House passed this bill on the following report, which is adopted:

Stryker enlisted for nine months, September 3, 1862, in Company A, Thirtieth Regiment New Jersey Volunteers, and was discharged June 27, 1863. In his application for pension, filed June 4, 1879, he alleges that in October, 1862, while getting off the cars on which the command was transported to Washington, D. C., he was crowded against and pushed off the platform, and in the fall injured his spine, from which injury he is still suffering. That he was treated therefor by Surgeon Barkley, deceased, and afterwards at Aquia Creek Hospital. In corroboration of his allegations he filed the testimony of Lieut. Joseph B. Smith and Comrades Edward and Peter S. Smith. It is also shown in evidence that soldier was under medical treatment by Dr. James B. Van Derveer from discharge to 1866, and subsequently by Dr. J. V. Fritts, for contusion of spine, affecting the kidneys and sexual organs.

The claim was specially examined in 1886, and upon this examination the claim has been rejected, upon the ground that the evidence is not satisfactory as to the incurrence of disability in the service, and that medical examinations fail to disclose any physical signs of disability therefrom.

The affiants as to the incurrence of the disability are shown by the papers in the case to be credible witnesses. The former lieutenant is chief deputy collector of internal revenue for the third New Jersey district. At the time of his examination by the special examiner he had no distinct recollection of the injury aforesaid, but gave it as his opinion that his affidavit must have been based upon entries in a memorandum-book which has since been lost. The two comrades whose testimony was filed, as heretofore stated, were not interviewed by the special examiner. Two other comrades, however, were examined by that officer, and while they are unable to testify to the precise nature of the disability incurred, they state that claimant was in apparent good health at time of enlistment, and that some time during service he became disabled from some cause.

The record of the Surgeon-General corroborates claimant's allegation as to treatment at Aquia Creek Hospital in April, 1863, but fails to show the nature of the disability for which treated.

That claimant has been suffering from some injury of the spine ever since discharge can not be doubted, while the writer of this report has personal knowledge of the soldier's disabled and feeble condition, the nature of which, however, he is unable to diagnose.

Medical examination, it is true, discloses no physical signs of the alleged injury. But two medical examinations do show lumbago, lameness, and tenderness over sacrum.

The committee are of opinion that the evidence in the case corroborates claimant's allegation as to the injury in the service, and that he should be pensioned for any disability now found to exist which can reasonably be attributed thereto.

The bill is reported favorably, with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1128.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 4845.]

*The Committee on Pensions, to whom was referred a bill granting a pension to Wilhelmina Kuhlmann, have examined the same and report:*

The House passed this bill on the annexed report, which is adopted, and is as follows:

Wilhelmina Kuhlmann is the widow of Frederick Kuhlmann, who served as private in Company F, Twentieth Regiment New York Volunteers, from May 3, 1861, to June 1, 1863. Soldier applied for pension on account of rheumatism June 29, 1880, and died during the pendency of his claim, April 17, 1884. The widow successfully completed the claim, and was allowed the pension otherwise due the soldier. Her own claim has been rejected on the ground that the death cause, disease of kidneys and uræmia, are, in the opinion of the medical referee, not due to rheumatism, for which pension was allowed.

The attending physician, Dr. Herman Kudlich, a practitioner of some prominence, testifies that he was the soldier's family physician for many years prior to and during his last illness, but did not discover the existence of nephritis until in the early part of April, 1884; then examined his urine and found that he suffered from an aggravated case of kidney disease of long standing. From affiant's knowledge of the soldier and the history of the case, it is his opinion that this disease was caused and produced from rheumatism of long standing from which soldier suffered.

The case having been submitted to the medical referee of the Pension Office, that officer held that inasmuch as medical examination of the soldier a year prior to his death failed to show the existence of cardiac disease, it is not likely that the fatal disease was a sequence of the rheumatism. He further states that the allegations of the widow that soldier suffered from dropsy for about three years before his death are against the theory of Dr. Kudlich, regards the fatal uræmia as the result of rheumatism, and suggests that the grounds for the doctor's opinion in the detailed report of his analysis of the urine should be obtained. In response to this Dr. Kudlich says:

"I have known the deceased soldier for some years, and during this time I attended him frequently enough for more or less severe attacks of muscular and articular rheumatism and other occasional disorders, but kept no special record of it, as I never expected to testify about it. But I know that he suffered frequently from rheumatism (muscular and articular). The action of his heart, which was considerably dilated, was at times very irregular, causing frequent attacks of short breathing, and preventing the disabled from his work. I do not know that he suffered from dropsy about three years previous to his death. Mrs. Kuhlmann may either be mistaken—mistaking rheumatic œdematous swellings of the joints for dropsy—using this word in a more popular way—or else he has been attended by some one else, which is possible. My reason to believe that the fatal disease was directly caused by his frequent attacks of rheumatism and nothing else is simply this, that I can not otherwise account for it. Mr. Kuhlmann has, as long as I have known him, always been moderate in his habits, especially moderate in using alcoholic stimulants; then, on account of his rheumatic disposition, he was always very careful not to expose himself to colds. And so there is hardly any other cause left for the fatal nephritis, causing uræmia, than his rheumatic disposition in general and the effects which the same had on his heart and blood vessels. The examination of his urine, of which a very small quantity only was passed, showed, as far as I can remember, considerable albumen, over 30 per cent. I do not remember to have made a microscopical examination."

The claim, notwithstanding this opinion, was rejected, as heretofore stated.

While it may be true that the connection between the fatal disease and the service is not fully shown, yet this committee, knowing the impossibility of clearly demonstrating such a connection in diseases so obscure as the one which caused this soldier's death, believe that the opinion of attending physicians should govern its action, unless it is self-evident that such opinion is incompatible with the facts in the case.

In the case under consideration there is, however, a reasonable presumption that the fatal disease was chargeable to the soldier's military service.

The bill is reported favorably, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1129.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 130.]

*The Committee on Pensions, to whom was referred the bill (H. R. 130) granting a pension to John E. Smith, have examined the same and report:*

The House passed this bill on the following report, which is adopted:

The record of this soldier's service is as follows: He was drafted in December and mustered January 10, 1865, as a private in Company B, Fifty-ninth Indiana Volunteers, and was honorably discharged July 17, 1865.

He was granted a pension of $2 per month, commencing July 18, 1865, and ending March 17, 1880, for chronic diarrhea contracted in the Army while in line of duty. The pension was discontinued for the reason, as stated by the Commissioner of Pensions, that the disability had ceased. The history of this case as gleaned from the papers on file in the Pension Office is about as follows:

The soldier was drafted, mustered into the service, and hurried away from a cold northern climate to South Carolina, where he was put into active service with veteran soldiers who had become acclimated and hardened to the severe duties of army life, and while he was doing picket duty at Pocotaligo Station, on the line of the Charleston and Savannah Railroad, there were continual heavy rains, and he was frequently drenched through and through, and in this way caught a severe cold in his head, and at the same time was suffering with chronic diarrhea, which he had contracted some time previous. This cold was followed by a severe dizziness in his head. The cold lasted ten days or two weeks and the dizziness has continued ever since. This dizziness continued increasing until the 21st of November, 1868, when he was completely prostrated by a stroke of paralysis of the right side, since when he has not been able to perform any manual labor.

The evidence of several of his comrades, members of the same company, all tends to corroborate the facts above set forth. He received no hospital treatment, although it is in evidence that he several times applied to the regimental physician, but for some cause which does not clearly appear no treatment was given him. The war was then near its close, and the soldier states that the surgeon was absent most of the time, and the assistant surgeon, for the reason that he was able to perform duty, did not think it worth while to prescribe for his chronic diarrhea. There is no dispute that the soldier contracted the disease while in the line of duty in the Army, and that it continued until after he was stricken with paralysis. The testimony, which is quite voluminous, all goes to show that he was greatly emaciated when he returned home from the Army, and that up to the time he was prostrated with paralysis he was able to perform but little manual labor.

Special examiner John W. Clampitt, to whom the case was referred, made, among other things, the following report, August 14, 1886:

"He (the soldier) appears to be frank and honest in his statements, and bears a good reputation in the community for veracity, sobriety, and good morals. He is almost totally disabled for the performance of manual labor, the right side of his body having been completely paralyzed by a stroke which occurred on the 21st day of November, 1868."

Dr. M. F. Smith, who treated him after his discharge for chronic diarrhea, says he was informed by reliable parties that immediately after his discharge he was in a state of general debility and nervous prostration, which preceded the stroke of paralysis, and this is corroborated by Dr. Luther Johnson, who treated him prior to and at the time of his prostration by paralysis.

His claim was rejected by the Pension Office on the ground that the evidence was not sufficient to establish the fact that paralysis resulted from chronic diarrhea contracted in the Army while in line of duty. The soldier is in a physical condition which totally prevents him from earning a living by manual labor, and, being in entirely destitute circumstances, he is dependent on his neighbors and friends and public charity for support.

The committee believe, after a careful consideration of this case, that there is a strong probability that paralysis was the result of general prostration, arising from chronic diarrhea, contracted in the Army while in the line of duty.

**The bill is reported favorably, with a recommendation that it do pass.**

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1130.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2779.]

*The Committee on Pensions, to whom was referred the petition of Eliza M. Scandlin praying for a pension, have examined the same and report:*

This claimant is the widow of Rev. William G. Scandlin, who, after resigning the pastorate of his church, enlisted as chaplain of the Fifteenth Regiment Massachusetts Volunteers. He served faithfully in that capacity for the period of one year, and during that time, by his activity on the battle-fields, earned the title of the "fighting chaplain of the old Fifteenth," which title clung to him throughout his service and afterwards. At the end of the period mentioned he was discharged on account of sickness, but after a few weeks' rest he volunteered his services to the United States Sanitary Commission, which offer was at once accepted, and he was immediately assigned to work at the front.

While in the discharge of such duty he was captured on the 5th of July, 1863, after the battle of Gettysburgh, while caring for the wounded, and was for three months held a prisoner of war, being confined at Libby Prison and Castle Thunder. During this imprisonment, on account of the hardships he was subjected to, and as the result of his ill-health, occasioned by his former service, he contracted diseases from which he suffered all his after life, and which was the primary cause of his death, which occurred at Grafton, Mass., March 17, 1871.

His widow, Eliza M. Scandlin, now asks relief on the above grounds. She is in necessitous circumstances, and, as shown by the following certificate of her physician, has been suffering from paralysis for eleven years past.

Your committee deem this widow an exceptionally worthy object of special legislation, and recommend the passage of the bill reported herewith.

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The undersigned, Thomas T. Griggs, having been a practicing physician in Grafton, Mass., more than thirty-six years, hereby certifies that he has been acquainted with Mrs. Scandlin, widow of the late Rev. William G. Scandlin, who was a chaplain in the late war; that he was her physician at the time she was seized with paralysis in January, 1876, and has been cognizant of her condition up to the present time; that

she has continued in a helpless condition, being unable to converse or to take care of herself, requiring an attendant for more than eleven years, and that there is no probability that any improvement will ever occur in her case.

THOMAS T. GRIGGS, M. D.

GRAFTON, MASS., *February* 15, 1887.

GRAFTON, *July* 26, 1887.

WORCESTER, *ss:*

Then personally appeared the above-named Thomas T. Griggs and made oath that the above statement, by him subscribed, is true.

ALDEN A. HOWE,
*Justice of the Peace.*

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W. I. SCANDLIN:

DEAR SIR: I am pleased to inform you that I recognize the disease and death of your father, Rev. W. G. Scandlin, to have been occasioned primarily by his exposure while in the line of his duty, and the malarial influences to which he was unavoidably exposed, and that he was a frequent patient of mine during the time existing from the period of his discharge from the service to the period of his death. I shall do all in power to aid in the prosecution of a claim to secure pension for your mother.

Truly yours,

J. N. BATES, M. D.

WORCESTER *March* 9. 1880.

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*A sketch of the history, plan of organization, and operations of the United States Sanitary Commission, by Lewis H. Steiner, M. D., late chief inspector U. S. S. C., Army of Potomac.*

[Pamphlet, 8°, pp. 14. Page 12.]

[Read before the Maryland Historical Society, February 1, 1866.]

PHILADELPHIA, 1866.

It is pleasant to know that the medical officers of the insurgents at different times declared their grateful feelings for the supplies of the sanitary commission. One communication from them, addressed to the commander-in-chief of the insurgents, may properly be presented here. It was occasioned by the capture by the insurgents of several of the officers of the commission, who were traveling, in July, 1863, under orders from the writer, with supplies for the hospitals on Maryland Heights and for the wounded in the battle which took place between the forces of Lee and Meade.

These officers were seized, their stores destroyed by their captors, and they themselves forced to undergo the horrors of imprisonment in the notorious Libby Prison. Ten medical officers voluntarily prepared the following paper, asking for the instant release of these gentlemen:

"The undersigned, surgeons of the Confederate army, in charge of the several hospitals now within the Union lines at and about Gettysburgh, beg leave to testify to our general-in-chief in favor of the United States Sanitary Commission as a most praiseworthy and charitable institution.

"Through its kind provisions our hospitals are supplied with many comforts which are of inestimable value to our suffering and wounded men.

"While the promptness with which their agents follow on the heels of battle enables them to dispense an immense amount of relief to the unfortunate sick and wounded soldiers on either side, it also necessarily exposes them to any reverse of fortune which may oblige them to ask protection from the successful party.

"Thus, during the late battle at Gettysburgh, four of the agents of the sanitary commission, with their supply wagons, are said to have fallen into our hands, and, as we learn, are detained as prisoners.

"The names of the men are as follows, viz: Dr. Alexander McDonald, Rev. William G. Scandlin, Leonard Brink, Alfred Brengle, and negro boy Moses.

"We respectfully submit that as the above-named men were taken without arms and while in the employ of their charitable offices as almoners of the sanitary commission to the wounded soldiers of either party, they be released from restraint and permitted to return to their work of benevolence and good will to all.

"Respectfully submitted by yours, etc."

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1131.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. RIDDLEBERGER, from the Committee on Naval Affairs, submitted the following

## REPORT:

[To accompany bill S. 1169.]

*The Committee on Naval Affairs, to whom was referred the bill (S. 1169) for the relief of Commander George M. Bache, U. S. Navy (retired), having had the same under consideration, beg leave to submit the following report:*

From facts presented for the consideration of the committee it appears that Commander (then Lieutenant) George M. Bache, while in command of the United States gun-boat *Cincinnati*, attached to the Mississippi Squadron, under command of Admiral David D. Porter, was ordered with his vessel to bombard the Confederate batteries at Vicksburg on May 27, 1863. He promptly proceeded to the performance of this duty, and while so engaged his vessel was struck by shots from the battery and sunk.

Commander Bache lost all his personal effects, and this bill purposes simply to re-imburse him for said loss to the extent of $1,500. There are numerous precedents for this case, namely, in the loss of the *Huron*, *Jeannette*, *Ashuelot*, and *Tallapoosa* bills for the relief of officers of these vessels have passed the Senate.

The committee earnestly recommend the passage of this bill, and append hereto a letter from the Secretary of the Navy to Commander Bache, and an extract from Admiral Porter's History of the Civil War.

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NAVY DEPARTMENT, *June* 12, 1863.

SIR: Acting Rear Admiral Porter has forwarded to the Department copies of your reports of the 27th and 29th ultimo, detailing the circumstances of the loss of the United States steamer *Cincinnati*, under your command in an attack upon the Vicksburg batteries.

Whilst regretting the loss of a ship that had so often successfully engaged the enemy, the sad casualties attending it, and the sorrows that have been brought to the hearts of the families of those who gave up their lives in the service of their country, it is gratifying to feel that the officers and crew of the *Cincinnati* performed their duty nobly and faithfully. All reports yet received testify to this fact, and General Sherman, with whom you were directed especially to co-operate, and who was an eye-witness, says "the style in which the *Cincinnati* engaged the battery elicited universal praise."

Amidst an incessant fire of shot and shell, even when the fate of the vessel had been sealed, and destruction both from the elements and the enemy was threatened, the officers and men appear to have stood bravely at their posts, and it is a proud record of the *Cincinnati* that when her last moments came she went down with the colors nailed to the mast.

It is with no ordinary pleasure that I express to you and the surviving officers and crew of the *Cincinnati* the Department's appreciation of your brave conduct.

Very respectfully, etc.,

GIDEON WELLES,
*Secretary* of the Navy.

Lieut. GEORGE M. BACHE,
*Late in command of the U. S. S. Cincinnati, Mississippi Squadron.*

[Extract from Admiral D. D. Porter's Naval History of the Civil War, page 323.]

Next morning the *Cincinnati*, Lieut. George M. Bache, started down the river to attack the small battery mentioned by Sherman, but as she rounded to and opened her broadside, the battery on the bluff opened on her stern with its heaviest guns.

The first shot from the enemy passed through the magazine and then through the bottom, causing the *Cincinnati* to fill rapidly.

Then the starboard tiller was shot away, the enemy firing rapidly and with great accuracy. Eight-inch and 10-inch shot went clear through the bulwarks of hay and logs, and plunging shots from the heights went through the deck and did much damage.

The vessel could not return this fire, and putting on steam crept along the shore, up river, making against the current not more than 3 miles an hour.

The *Cincinnati* was soon in a sinking condition, and her gallant commander ran her into the bank and got out a plank to save his crew before the vessel went down. A hawser was taken on shore and made fast to a tree, but, unfortunately, it was not properly secured, and giving way allowed the vessel to slide off into deep water. All this time the enemy continued to pour in a destructive fire. Bache would not haul down his flag, but nailed it to the stump of his flag-pole, which had been shot away.

As the vessel was now sinking, the order was given for all who could to swim to the shore, which was not far off. The boats had all been shot to pieces and were of no use. There were but 3 fathoms of water where the *Cincinnati* went down, and her colors and smoke-pipes remained in sight. Fifteen men were drowned in attempting to reach the bank, and twenty more were killed or wounded.

This was an unfortunate affair, but the calamity was somewhat deprived of its sting by the cool and courageous conduct of the commander, officers, and crew, who withstood the Confederate fire unflinchingly and preferred to sink rather than haul down their colors. The Confederates kept up their fire on the flag, and many of the plunging shots found their way through the vessel's hull.

As soon as General Sherman saw what had happened he sent a company of the Seventy-sixth Ohio to the relief of our officers and men.

Sherman wrote to the Admiral, deploring the loss of the vessel, but said, "the importance of the object desired to be accomplished fully warranted the attempt. It has proved successful, and will stimulate us to further efforts to break the line which terminates on the Mississippi in such formidable batteries." * * * The Secretary of the Navy wrote a handsome letter to Lieutenant Bache, concluding as follows:

"Amid an incessant fire of shot and shells, even when the fate of the vessel had been sealed, and destruction both from the elements and the enemy was threatened, the officers and men appear to have stood bravely at their posts, and it is a proud record of the *Cincinnati* that when her last moments came she went down with her colors nailed to the mast. It is with no ordinary pleasure that I express to you and the surviving officers and crew of the *Cincinnati* the Department's appreciation of your brave conduct."

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1132.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. STANFORD, from the Committee on Naval Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 1508.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 1508) "to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," have considered the same, and recommend that the bill be passed, with amendments changing the phraseology of the bill in lines 6 and 7. They adopt the report made to the House of Representatives by Representative Boutelle, which fully explains the same.

[House Report No. 220, Fiftieth Congress, first session.]

The Committee on Naval Affairs, having under consideration various bills for the removal of the charge of desertion from the records of appointed or enlisted men of the Navy or Marine Corps, ask to be discharged from the further consideration of House bills Nos. 372, 1632, 2251, 2497, 3963, 3964, 4401, 4747, and 6011, and that they may be laid upon the table, and as a substitute therefor recommend the passage of House bill No. 1508, with certain amendments, to provide for the foregoing and similar cases by a general law, to be entitled "An act to relieve certain appointed or enlisted men of the Navy or Marine Corps from the charge of desertion."

The object and effect of the legislation recommended are simply to extend to the men who served in the naval branch of the military service during the late war the benefit of the provisions of the act approved July 5, 1884, entitled "An act to relieve certain soldiers from the charge of desertion," and the act approved May 17, 1886, entitled "An act to remove the charge of desertion from the rolls and records in the office of the Adjutant-General of the Army against certain soldiers." The justice and expediency of applying the same general rules to the Army and Navy in the matter of amending or correcting the military record of individuals are so obvious that your committee deem no argument necessary to sustain the proposition. Yet at the present time the charge of desertion may be promptly and lawfully removed from the record of a soldier, while there is no power to amend or correct the record of an appointed or enlisted man of the Navy or Marine Corps, whose case might be precisely similar to that of a soldier, and of course equally deserving of relief.

As explanatory of the act of July 5, 1884, and in support of the action proposed by the bill herewith reported, your committee quote the following extracts from the report of the Committee on Military Affairs of the Forty-seventh Congress:

"Your committee, in the substitute proposed, have provided in the first section of the same for the removal of the charge of desertion from all soldiers who served in the volunteer service in the late war until the expiration of the term of their enlistment, or until the 1st day of May, A. D. 1865. It is claimed, and your committee believe justly, that after the war was over and hostilities had actually ceased, a number of soldiers, long departed from their families and from their relatives and friends, feeling that the country no longer needed their services, and impatient at the delay of being ordered out, left their commands and went home without being mustered out of the service, and without receiving the certificate of honorable discharge to which their patriotic and faithful service entitled them. And while your committee

would regret to see the charge of desertion removed from the record of any unworthy soldier who actually deserted his country's flag in the hour of danger, and left his comrades to brave perils he was too cowardly or too unpatriotic to share with them, yet to soldiers who had served long and faithfully, who had followed the flag until the war was regarded at an end, and the Government had entered upon the work of mustering out the volunteer forces, your committee think the charge of desertion should not be allowed to stand longer upon the rolls and records against them, but should now be removed.

"There is another class of soldiers who enlisted to serve for a certain number of years, or 'during the war,' who enlisted as volunteers to aid in the suppression of the rebellion and in the restoration of the Union, who left their homes and their families to help maintain and preserve the Government of their country; and when the war was over, as they felt, and hostilities had actually ceased, believing that their term of enlistment had actually expired, and that the country no longer needed their services for the purposes for which they enlisted, upon a refusal to muster them out, left their commands, returned to their occupations and to their homes and families, and stand charged as deserters. The first section of the proposed substitute will also relieve that class of soldiers from the charge of desertion; and while your committee hesitate to admit, under any circumstances, the right of a soldier to determine for himself the expiration of his term of enlistment, yet there is so much in favor of the class of soldiers last referred to, who, inspired by patriotism, enlisted as volunteers only to serve during the war for the preservation of the Union, and having served faithfully until it was universally recognized and felt that the war was over and that the Government no longer had any just claim upon their services, left their commands and returned to their homes. Your committee, believing that there was no intention in these cases to desert the flag of their country, are of the opinion that the charge of desertion should be removed from that class of soldiers also.

"The second section of the proposed substitute is intended by your committee to relieve another class of soldiers who, having absented themselves from their commands, or deserted, after such desertion or absence without leave, voluntarily returned to their commands, and were either tried by court-martial and punished and restored to the rolls of their commands, or were restored without punishment, and who served afterwards until regularly mustered out of the service and received a regular certificate of discharge. It appears from the evidence in a number of cases where bills have been introduced by members of the House to remove charges of desertion from the record of individual soldiers, that after desertion such soldiers voluntarily returned, were tried by court-martial, and paid the full penalty of their absence without leave or desertion, and afterwards served honorably and faithfully, in some instances receiving honorable wounds in battle, and at the close of the war were mustered out regularly and received a regular certificate of discharge. In such cases your committee are of the opinion that the charge of desertion should be removed, and that in all cases where a soldier absented himself from his command and voluntarily returned to the same, and paid the penalty of such absence, or the offense was not regarded as sufficient to require any punishment, and then served until regularly mustered out and received regular discharges, should have the charge of desertion removed.

"For these reasons your committee have recommended the passage of the substitute proposed."

In order to adapt the provisions of the law as perfectly as possible to the conditions of the naval service, your committee referred the subject-matter to the Navy Department for its suggestions, and in a communication dated March 23, 1886, Judge-Advocate-General William B. Remey, U. S. Navy, recommends certain amendments to House bill No. 1017, and says:

"In reply I have the honor to state that, should the bill become a law, it will tend to facilitate the granting of equitable relief in many cases where such relief is now delayed or prevented only by the fact that the mark of desertion appears upon the record.

"Under existing law this Department has uniformly declined to remove the mark of desertion except when it is conclusively shown that such mark has been erroneously made, or where an honorable discharge subsequently granted operates, under the decision in the case of the United States v. Kelly (15 Wallace, 34), to render the removal of the mark of desertion unnecessary.

"When, at the close of the late war, a large reduction in the number of appointed and enlisted men in the Navy became necessary, and vessels of the Navy which had been engaged in the blockading squadrons returned to the North, leave of absence was given to enlisted men whose terms had not expired, as well as to some whose terms had expired, such leave, however, being only temporary and intended to cover the period necessary for adjusting the accounts of the men prior to their discharge. Such of them as failed to return to their vessels or to report at any station were necessarily marked as deserters, and although there may have been a reasonable excuse for such failure the Department has no power to remove the mark without authority from Congress."

In view of the considerations stated your committee recommend the passage of House bill No. 1508, with the following amendments:

In section 2, line 10, after the word "leave," insert the words "and within a reasonable time thereafter." After section 2 insert the following section:

SECTION 3. That the charge of desertion now standing on the pay or muster rolls of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, by reason of his having enlisted at any station or on board of any vessel of the Navy without having first received a discharge from the station or vessel in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of the Navy from such rolls and records, or from other satisfactory testimony, that such reenlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to had he remained under his original term of enlistment: *Provided*, That no appointed or enlisted man shall be relieved under this act who, not being sick or wounded, left his command without proper authority while the same was in presence of the enemy, or who, at the time of leaving his command, was in arrest or under charges, or in whose case the period of absence from the service exceeded three months.

Amend by changing the numbers of sections 3, 4, and 5, of the bill, to read sections 4, 5, and 6, respectively.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1133.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. STANFORD, from the Committee on Naval Affairs, submitted the following

# REPORT:

[To accompany bill S. 130.]

The Committee on Naval Affairs, to whom was referred the bill (S. 130) to remove the charge of desertion from the record of Christopher Germer, have considered the same and recommend that it lie upon the table, for the reason that the matter involved will be fully covered by the general bill which has been favorably reported by this committee. The committee, however, beg leave to submit herewith the following letter:

NAVY DEPARTMENT,
*Washington, February 24, 1888.*

SIR: I have the honor to acknowledge the receipt of your communication of the 30th ultimo, inclosing a copy of Senate bill No. 130, "to remove the charge of desertion from the record of Christopher Germer," late private in the Marine Corps, and requesting my opinion as to the advisability of the proposed legislation.

In reply I have to inform you that, upon examination of the records of the Marine Corps, it appears that Christopher Germer enlisted at Baltimore, Md., November 25, 1862, for four years, that he deserted from the service at Philadelphia, Pa., July 29, 1865, and that he has remained absent from his duty, in desertion, ever since that date.

Referring to the provision contained in the bill, authorizing the issue of an honorable discharge to Germer, "with all the pay and other emoluments due him at date of expiration of his term of enlistment," I have to state that no information is afforded by the records of the Marine Corps that Germer has any proper grounds upon which to base a claim to an honorable discharge, or that he is entitled to any pay or emoluments from the 1st to the 29th of July, 1865, the same having been forfeited, under the Navy regulations, by the act of desertion. For the remainder of the term for which he enlisted, viz, from July 29, 1865, to November 24, 1866, a period of about sixteen months, during which he rendered no service, no "pay or other emoluments" accrued to Germer.

I append a statement of the paymaster of the Marine Corps, showing the amount of pay and allowances that would have become due to Germer had he served faithfully to the end of the term of his enlistment. No estimate is made or could properly be made for possible claims to pension or on account of length of service, etc., to which an honorable discharge would entitled him.

In view of the evidence of record in the case of Germer, I am of the opinion that the passage of the bill referred to is not advisable.

Very respectfully,

D. B. HARMONY,
*Acting Secretary of the Navy.*

Hon. LELAND STANFORD,
*Committee on Naval Affairs.*

HEADQUARTERS U. S. MARINE CORPS,
PAYMASTER'S OFFICE,
*Washington, D. C., February* 7, 1886.

Statement of "pay and emoluments" due Private Christopher Germer, a deserter from the U. S. Marine Corps, upon the expiration of his term of enlistment, November 24, 1886:

| | |
|---|---|
| Pay from July 1, 1865, to November 24, 1866, at $16 per month | $268.80 |
| Less hospital fund, sixteen months and twenty-four days, at 20 cents per month | 3.36 |
| | 265.44 |
| Subsistence to Baltimore, Md | 4.17 |
| Clothing not drawn in kind | 37.74 |
| Total | 307.35 |

GREEN CLAY GOODLOE,
*Major and Paymaster, Marine Corps.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1134.

# IN THE SENATE OF THE UNITED STATES.

APRIL 25, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill H. R. 5249.]

*The Committee on Pensions, to whom was referred a bill granting an increase of pension to Charles H. Smith, have examined the same and report:*

The report upon which the House passed this bill is adopted and is as follows:

That this is one of the most remarkable cases to which the attention of the committee has ever been called. The number and the severity of the wounds received, the suffering consequent thereon, are among the marvels in the surgical history of the war. The sad and pitiable condition in which the beneficiary has lived for the past twenty-four years, and in which he must continue during his whole future life, renders him an object of great sympathy. Two of the committee, physicians themselves, have made a personal examination of the soldier, the conditions of his wounds, and their effects, and fully corroborate the medical evidence attached to this report.

The committee have attached hereto and made a part of this report the statement of the soldier, the letter of Dr. D. S. Foster, one of the prominent surgeons of this city, and the medical examination of Drs. Foster and Baker, extracts from the Medical and Surgical History of the War of the Rebellion, and a letter from Captain Currier, an officer in the soldier's regiment. The high personal character of the soldier is fully established.

The soldier can not receive at the Pension Office the relief to which the committee think he is entitled.

He first was allowed a pension of $8 per month, which has been increased to $31.25, the highest sum he can receive under the law as it now is.

The committee are strongly of the opinion that the soldier is entitled to the relief asked.

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WASHINGTON, D. C., *March* 2, 1888.

DEAR SIR: Some five weeks ago, after having seen my wounds, and having learned of their general condition, you introduced a bill in the House of Representatives for an increase of pension therefor, and that the committee (who has said bill in charge) may more readily understand and appreciate their nature, I will make a brief statement relative thereto, and of my services during the late war.

I enlisted in the United States service, in the town of Cherry Valley, Otsego County, N. Y., October 14, 1861, being then but sixteen years old; leaving a widowed mother, who at that time was, and is to-day, dependent upon me for support.

From the time of my enlistment to that of receiving my wounds, I was not absent from regimental duty two days either from sickness or otherwise.

I participated in the following engagements: Rappahannock Station, August, 1862; White Sulphur Springs, August, 1862; Gainesville, August, 1862; Bull Run, August, 1862; South Mountain, September, 1862; Antietam, September, 1862; Union, November, 1862; Fredericksburgh, December, 1862; Chancellorsville, May, 1863; Kelley's Ford, June, 1863.

I will here state that in all of the above engagements my regiment lost both in killed and wounded; in some more, in some less.

On the 1st of July, 1863, my regiment opened the battle of Gettysburgh, and during the forenoon of that day I received the following wounds:

The first ball passed through my left thigh; the second ball entered the left groin, passed through the body, and came out at the right hip; the third ball entered above the left hip, passed through the body, fracturing the spinal column, and while lying prone on my face, a shell bursting over me tore off a large portion of my right buttock, and in this condition I lay upon the battle-field, much of the time unconscious, for four days, without any assistance or nourishment whatever, the rebels taking my canteen of water, my haversack, shoes, and stockings.

On the night of the 4th of July my comrades found and carried me to what is known as the McPherson barn, and after divesting me of my clothing wrapped me in a blanket and laid me in the cow-shed.

On the morning of the 5th I discovered that I was submerged, and almost drowned, in cow ooze. In this condition I remained until the afternoon, when I was taken from this barn shed, carried to a tree near by, where my comrades wiped me off with straw, and applied to the Christian Commission agents for assistance, and from them I received the first nourishment since the early morn of July 1.

I was then put upon a stretcher, and carried to the town of Gettysburgh. On the way I met the regimental surgeon, Dr. Metcalf, who examined my wounds, and told me that if desired to send any communication to my mother that I had better do so at once. He then gave directions where I should be taken.

I was placed in an old freight warehouse, where there were two amputating tables, and where only those were brought whom the surgeons considered incurable. Here I remained until the 17th day of July.

I was totally helpless, unable to move hand or foot, and was nursed by a comrade. Here it was, after my wounds had been bathed and I had taken nourishment, that I realized the full extent of my wounds. I then discovered my food, in a partially digested condition, passing out through my wounds on my left side and back, and for nine months all that I ate passed out in this way. I had no regular passage of the bowels during the nine months or more.

From this building I was taken to an express company building, by Sergt. William H. Myers, where I remained a few days, and was then taken to the private residence of Mr. Robert Sheads, where I remained until December in this helpless condition.

I had no regular physician, but strange surgeons called continually to examine my wounds. I had no operation performed, took no medicine, as most of the surgeons informed me that it was impossible for me to recover, while some few said that "while there was life there was hope."

From Gettysburgh I was taken on a cot bed to the Citizens' Hospital, corner Broad and Prime streets, Philadelphia, and from there to the Cuyler Hospital, Germantown, where I remained until my term of enlistment expired, and was discharged on the 24th of October, 1864.

At the time of my discharge I was able to move about with the assistance of two canes, and from that time until the present, a period of twenty-four years, I have had to dress my wounds two, three, and four times each day. The dressing consists in bathing with a sponge and water, applying linen cloths, with a bandage 8 yards in length and 4 inches in width wrapped around my body.

From the nature of these wounds it is necessary that an orifice be kept open to allow the gases to escape from the stomach, the gathering of which causes the most intense agony, so that it is necessary to have the services of a surgeon very frequently.

Suppuration continually goes on, and a constant discharge therefrom.

There have been times when I have been confined to my bed for months, and have had the almost constant attendance of a physician during all these years.

I have thus briefly stated my condition, and if you think it advisable, and the Committee on Pensions desire, I will gladly appear before them and show my wounds, that they may judge for themselves as to the truth of the matter and the simple justice of my claim.

From the above you may think that I am complaining of my country for not dealing more liberally with me, but of this fallacy I desire to disabuse your mind. I did not enlist in the service of my country for the compensation which she then paid her soldiers, nor for the pension which she might award her disabled. I enlisted for the grand cause for which she was contending, irrespective of personal comfort, life, or limb. I responded to every call, performed every duty that devolved upon me until I was left helpless upon the field of carnage; and I make no complaints of my country, for I believe that if our Representatives know of and fully understand my case they will at once recognize my claim to an increase of pension and pass the bill without dissension.

My case was reported by and appears in U. S. Surgeon-General Barnes's "Medical Works of the War" (vol. 2, page 88, I think), and after President Garfield was shot, one of the attending physicians having been informed of the similarity of my case, I was examined by him. He stated that one of my wounds was of a more serious

character than the President's, from the fact that in my case the intestines were cut, while in the other they were not punctured.

The above statement is a true and accurate one, and the truth of which I am willing to certify to under oath, and applies to H. R. bill No. 5249.

Respectfully, yours,

C. H. SMITH,
*Late Corporal Company K, Seventy-sixth New York State Volunteers.*

Hon. DAVID WILBER,
*House of Representatives.*

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WASHINGTON, D. C., *March* 7, 1868.

SIR: My attention having been called to the bill introduced by you for the relief of Corpl. Charles H. Smith, Company K, Seventy-sixth New York Volunteers, the following statement of his case is respectfully submitted:

I have known Mr. Charles H. Smith for about fifteen years. Being called to attend him at that time, I found him suffering from wounds (four in number) received in the line of duty at the battle of Gettysburgh, Pa., July 1, 1863 (see description of wounds on accompanying paper).

At that time the wound described as No. 3, which had healed at the point of entrance and occasioned the most suffering, was opened, allowing a free discharge of pus, wind, and fecal matter. It soon healed, and this delicate, dangerous, and painful operation of opening the intestines has had to be performed as often as once a month, on an average, during the past fifteen years. At such times the patient is usually confined to his bed in a condition of extreme prostration, requiring attendance.

At all times, the discharges being exceedingly offensive to himself and attendants, it is necessary to dress the wounds three or four times daily with sponge and water, and to apply very thick padding to absorb the discharges; the padding being secured by bandages some 4 inches wide and 6 to 8 yards in length.

Dr. Otis, U. S. Army, in "Medical and Surgical History," says: "In 59 cases of stercoral fistula, 9 remained open, 50 closed; 17 in a month or less than a year, and 5 in from one to four years."

In addition to the injury to the bladder and spinal column, this case presents two openings from the intestines. One remains open, the other has to be opened as stated, and is the only case known to me where fistula, having healed, has to be opened periodically to save the patient's life. Besides the disability and suffering which it occasions, the expense attending such a condition is necessarily great; requires attendance, and leaves the patient with the conviction that he is in immediate danger at all times.

In my opinion the case is exceptional, and deserving the most generous recognition by Congress and the Executive.

D. S. FOSTER,
*No.* 19 *Iowa Circle.*

Hon. DAVID WILBER,
*House of Representatives.*

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*Medical examination in the case of Charles H. Smith, corporal Company K, Seventy-sixth Regiment New York Volunteers, wounded at Gettysburgh, Pa., July* 1, 1862.

The injuries appear to have been made by four distinct missiles; the first three were conical balls, the fourth a fragment of shell.

*First missile.*—Wound of entrance situated on left side, 1½ to 2 inches below the great trochanter. Wound of exit upon the nates of same side, near the median line and just above the infragluteal fold. The ball passed deeply through the glutei muscles for a space of 7 inches.

*Second missile.*—Wound of entrance in the left inguinal furrow, about 2 inches from the anterior superior spine of the ilium. Wound of exit on the outer side of the right leg, about 3 inches downwards and backwards from the great trochanter. The ball must have traversed the floor of the pelvic cavity and the base of the bladder, emerging through the great sciatic notch.

*Third missile.*—Wound of entrance on the left side just above the crest of the ilium in the axillary line. Wound of exit near the spinous process of the third lumbar vertebra. The ball must have passed through the muscles of the abdominal wall and of the back, penetrating the descending colon behind the peritoneum and shattering the third and fourth lumbar vertebræ. The bodies of the vertebræ were probably

uninjured. The wound of entrance did not heal for eleven years. It then closed, but opens from time to time or requires to be opened by a surgeon in order to relieve accumulations of fæcal matter and pus. In connection with the track of the ball in this wound, a fistulous opening, 3 inches in length, has formed over the colon, and connected with this there are several sinuses which burrow among the muscles of the back. This fistula discharges fæcal matter and pus, and requires constant attention, as it is very prone to inflammation and causes much suffering.

*Fourth missile.*—About 2½ inches from the spine to the right and above the intergluteal furrow, a considerable portion of the erector spinæ and glutei muscles have been torn up, leaving several large scars. The cicatricial tissue is adherent to the sacrum and the fascia in the vicinity.

D. S. FOSTER, M. D.
FRANK BAKER, M. D.,
*Professor of Anatomy, Georgetown University.*

WASHINGTON, D. C., *March* 7, 1888.

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[Case 269, page 88, Medical and Surgical History of the War of the Rebellion, part second, surgical volume.]

Corpl. C. H. Smith, Company K, Seventy-sixth Regiment New York Volunteers, aged twenty years, was wounded at Gettysburgh, July 1, 1863, by a conoidal ball. He was admitted to the Seminary Hospital from the field, where he had been treated in a private house, and was afterwards transferred to the Citizens' Volunteer Hospital at Philadelphia, where he was admitted on October 3. He was transferred to Germantown March 14, and admitted to Cuyler Hospital on the same day, with "gunshot wound of abdomen, perforating cavities and injuring intestines, * * * and discharged the service October 24, 1864." Pension Examiner Horace Lathrop, of Otsego, N. Y., reported, August 30, 1866:

"Ball entered left side just above the crest of the ilium, 2 inches above the anterior superior spinal process, passed downward and backward through the wing of the ilium, and out near the last lumbar vertebra. There is now an opening in both localities, and the anterior one discharges fecal matter. The colon is probably wounded. He requires constant assistance from another person; his other wounds are healed. Disability total."

In the Washington Post of July 10, 1881 (soon after President Garfield was shot), appeared the following:

"Dr. Pope, of this city, cites the following case of recovery from desperate gunshot wounds, which probably has no parallel in the annals of war:

"Mr. C. H. Smith, a non-commissioned officer in the Seventy-sixth Regiment New York Volunteers, at the battle of Gettysburgh, July 1, 1863, received the following wounds:

"The first bullet passed clean through the left thigh, close to the body; the second entered the left groin, through what is called Poupart's ligament, grazing the iliac blood vessels and nerves; traversed the pelvis, passing directly through the bladder and hip bones, came out a little behind the right hip-joint; the third entered the body just above the crest of the left ilium, commonly called the edge of the hip-bone, traversed obliquely the abdominal cavity, passing through the descending colon or large intestine, came out close by the spine, partially shattering the bodies of the lumbar vertebræ.

"All these wounds, by minie-bullets, were received within fifteen minutes, and finally as the crash of battle on that part of the field rolled away, as he lay prone upon his face, a shell burst directly over him. The explosion jerked his body upward from the ground and the ragged iron tore away masses of flesh from the nates or buttocks down to the sacrum. For four days and nights he lay upon the field without food, drink, or shelter, exposed to the glaring sun and chilling dews, dozens of dead bodies lying around him, while night prowlers, ghouls of the battle-field, robbed the wounded and the slain.

"On the fifth day the relief party picked him up, rolled him in a blanket, and laid him in a cow-shed, the only shelter, where for two days he was almost immersed in cow-ooze; then he was taken to an old house, where for seventeen days he lay on his back on a hard board plank.

"The regimental surgeon looked for his death at any moment, but he lived on, improved, took not a single particle of medicine; nor were his wounds probed, the urine dribbling through the wound in the spine. Finally, after several months, he recovered to a certain extent, and now this battle-scarred veteran, modest and courteous gentleman, resides in this city."

SHERBURNE, N. Y., *March* 9, 1888.

SIR: The bill you introduced in the House of Representatives on January 16, 1888, to increase the pension of Corpl. Charles H. Smith, of Company K, Seventy-sixth Regiment New York Volunteers, merits your earnest attention and the respect and favorable consideration of Congress.

I will state for your information that I have known Corporal Smith since 1861, when he enlisted at Cherry Valley, Otsego County, N. Y. He was a good and faithful soldier, performing his duty satisfactorily in every particular up to the battle of Bull Run, August, 1862, when I was wounded, he remaining with the regiment until the battle of Gettysburgh, where he was desperately wounded by three minie-balls and a piece of shell.

He lay four days upon the battle-field, subject to the exposure of the intense heat of the July sun and the chilling dews of night, without any care, food, or shelter whatever.

From time to time during the past eighteen years I have seen his wounds, and can testify from personal knowledge of their severity and the great amount of suffering which they entail upon him, and the constant care and attention which he requires in consequence thereof, both from a surgeon and an attendant.

In conclusion, I think I but voice the sentiment of the loyal people of the country when I say I hope this act of justice will be done to one who gave up all, and freely offered his life to his country in her time of need, and has, and must ever continue, to suffer so much from wounds received in her service.

Respectfully yours,

R. W. CARRIER,
*Late Captain Seventy-sixth Regiment New York Volunteers.*

Hon. DAVID WILBER,
*House of Representatives, Washington, D. C.*

**The bill is reported favorably, with a recommendation that it do pass.**

ABSOLUTE

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1135.

# IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Commerce, submitted the following

## REPORT:

[To accompany bill H. R. 5929.]

*The Committee on Commerce, to whom was referred the bill (H. R. 5929) to extend the time for the completion of a bridge across Staten Island Sound, having had same under consideration, beg leave to report as follows:*

The bill referred to in this bill "authorizing the construction of a bridge across Arthur Kill," passed both houses in the last Congress, and was approved by the President. Owing to unavoidable delays the railroad company could not build the bridge within the limits of time specified by the act. The Secretary of War reports favorably upon the application for extension of time.

Your committee recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1136.

# IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

## REPORT:

[To accompany S. R. 25.]

*The Committee on Printing, to whom was referred the joint resolution (S. R. 25) for the printing of 4,500 copies of Finley's Storm Track Charts of the North Atlantic Ocean, report as follows:*

After considerable correspondence with the Navy Department your committee is of the opinion that, as the charts are useful in a limited degree for scientific purposes rather than for practical purposes or for navigators, the expense of printing, which will be $8,252.85, would be needless.

The committee reports back the joint resolution, therefore, with the recommendation that it do not pass.

A letter of the Secretary of the Navy is herewith submitted as a part of the report.

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NAVY DEPARTMENT,
*Washington, January 26, 1888.*

SIR: I have the honor to acknowledge the receipt of a letter of the 19th instant from Mr. W. H. Michael, clerk of printing records, calling my attention to Senate Resolution No. 25, providing for the printing of 4,500 copies of "Finley's Storm Track Charts of the North Atlantic Ocean," and asking my opinion "of the public need of the printing of the same as called for by the resolution;" also to inform the committee "if, by my examination of the charts referred to, I am prepared to recommend them as correct and worth the expenses of publication," which it is stated will be $8,252.85.

In reply, I have to say that the track charts called for by the resolution represent much careful labor of study and compilation, and will have an interest for some scientists as showing the course which storms have taken over the North Atlantic during the periods for which the data were collected. As there is no account of the direction, strength, or frequency of the winds their value to seamen is doubtful, so that their publication should be regarded rather as a contribution to maritime meteorology than a practical hand-book for navigators.

I return the copy of joint resolution herewith.

I have the honor to be, very truly, yours,

W. C. WHITNEY,
*Secretary of the Navy.*

CHAIRMAN JOINT COMMITTEE ON PRINTING, U. S. SENATE.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1137.

# IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

## REPORT:

[To accompany S. R. 53.]

*The Committee on Printing, to whom was referred joint resolution (S. R. 53) to print 4,000 copies of the report of Naval Constructor Philip Hichborn, on European dock-yards, having considered the same, report as follows:*

The estimated cost of the printing is $5,666.20. The Secretary of the Navy, under date of April 17, 1888, in a letter addressed to the chairman of the Committee on Printing, says:

> Four thousand copies of the report of Naval Constructor Philip Hichborn on European dock-yards were printed in the year 1886, and, as there are 500 copies still on hand, the Department has no use for more.

Your committee report back the joint resolution with the recommendation that it do not pass.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1138.

# IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1888.—Ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill S. 1187.]

*The Committee on Claims, to whom was referred the bill (S. 1187) for the relief of I. I. McAlmont, return the same, and report as follows:*

This claim is based upon duplicate vouchers, issued by the proper military authorities at Little Rock, Ark., during the late war, but on the face of the vouchers is written in red ink the following:

This room was seized for temporary use by order of the major-general commanding the department. No lease was ever made. The room has been transferred to its owner.

The State of Arkansas being the theater of active military operations at the time, although the city of Little Rock had been in the possession of the Federal forces for more than a year, it seems that the Government could not be held to pay rent for buildings "seized for temporary use." The vouchers in this case show distinctly that they were not intended to fix any liability of the Government, but only to serve as a memorandum to show the facts. The idea of a contract is distinctly and completely negatived.

Your committee therefore recommend the rejection of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1139.

# IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1888.—Ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 1188.]

*The Committee on Claims, to whom was referred the bill (S. 1188) for the relief of W. W. Adams, have considered the same, and report:*

That this claim is based upon duplicate vouchers issued in 1865, by the proper military authorities at Little Rock, Ark., for the rent of certain buildings, but on the face of said vouchers was written the following:

Seized by order of the commanding general for temporary use. No written agreement or lease was ever made. Most of the buildings seized in this manner have been given up to the owners thereof.

Although the city of Little Rock had been at this time for more than a year in the possession of the Federal forces, the State of Arkansas was the theater of active military operations, and under the circumstances this committee do not think the Government can be held to pay for the "temporary use" of buildings when it is clear no contract to pay rent was intended; hence the committee recommend the rejection of this bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1140.

# IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1888.—Ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill H. R. 326.]

*The Committee on Claims, to whom was referred the bill (H. R. 326) for the relief of Mrs. Frances Marshall, have had the same under consideration, and report as follows:*

The Congressional history of the claim seems to be that a bill for the relief of claimant was introduced for the first time in the House of Representatives in the Forty-eighth Congress, and was referred to the Committee on War Claims in that body, but no report was made thereon. In the Forty-ninth Congress it was presented again in the House, and was again referred as before, and a favorable report was made, and the bill passed to give claimant $500.

This bill came over to the Senate, went to the Committee on Claims, and was adversely reported.

At this session the claim has been again presented to the House and has been favorably reported and passed the House (but this time for the sum of $1,086.83), has been again referred to this committee, and has had again the careful consideration of this committee. The claimant, Mrs. Frances Marshall, was the wife of General Humphrey Marshall, an eminent citizen of Kentucky, whose services to the Government of the United States in the war with Mexico, as well as his services in the diplomatic corps of the country, are well known to every member of the Senate.

It appears that Mrs. Marshall owned in her own right a plantation upon which she resided, and where she and her husband had a valuable library. These books, some of them the property of General Marshall beyond dispute, and some of them claimed to have been the property of Mrs. Marshall, and shown to have been recognized as hers in the family and amongst friends prior to the war, were all boxed up together and sent off the plantation early in the war to a neighboring town for safety. There they fell into the hands of the military authorities of the United States and were carried to Cincinnati, where they seem to have been regularly proceeded against in the district court of the United States for the southern district of Ohio as the property of General Marshall, and by a decree of that court declared forfeited to the United States and ordered sold, which was accordingly done, the entire library bringing at said sale the total sum of $1,086.83.

The House bill under consideration provides for the payment of this entire sum to claimant on the ground, as set forth in the bill, that it is—

> the net proceeds of the sale of a library belonging to her, but erroneously seized and sold as the property of her husband, Humphrey Marshall, under an order of the United States court for the southern district of Ohio, under an act of July 19, 1864,

There is nothing whatever in the papers presented in this case to sustain this allegation of error. No part of the record of the court is brought here except a copy of the decree and the proceedings under it for the sale. Nothing in this shows any error, and there is not a particle of truth, so far as this committee has been able to see, of any error. On the contrary, it does distinctly appear that a part of these books were law books belonging to General Marshall himself.

General Marshall was actively engaged in making war against the United States; this property was taken as his, and regularly declared forfeited to the United States, and this committee is unable to see upon what principle a return of the proceeds of his property shall be made to his wife unless the Government is ready to return all captured property to former disloyal owners.

Admitting, for the sake of the argument, that a part of these books were legally the property of claimant, there is still no showing that would justify a return of the proceeds of the sale of even these books. In such cases proof of loyalty is always required, and this committee is unable to see why this rule, which has existed always and has been applied to all the associates and followers of General Marshall, male and female, should not be applied to his wife.

The committee therefore report the bill back with the recommendation that it do not pass.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1141.

# IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1888.—Ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill S. 1191.]

*The Committee on Claims, to whom was referred the bill* (*S.* 1191) *for the relief of Mary A. Pike, report as follows:*

This claim is based upon duplicate vouchers regularly issued by the proper military authorities at Little Rock, Ark., in 1864, for the rent of a building. The vouchers and bill have been submitted to the Quartermaster-General, and, upon returning them, he says: "There seems to be no objection to the passage of the bill."

Your committee therefore recommend the bill to the favorable consideration of the Senate.

O

Mr. JONES, of Arkansas, from the Committee on Claims, submitted th following

# REPORT:

[To accompany bill S. 1190.]

*The Committee on Claims, to whom was referred the bill (S. 1190) for t relief of the estate of Joseph Fenno, deceased, respectfully return the sam with the following report:*

This claim is based upon duplicate vouchers issued in 1864 and 18 by the military authorities for the rent of a certain building in Litt Rock, Ark. The vouchers are filed with the papers, and have been this committee submitted to the Quartermaster-General of the U. Army, who, upon returning them to the committee, says: "There seem to be no objection to the proposed bill."

Your committee therefore recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1143.

# IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

## REPORT:

[To accompany bill S. 2802, authorizing the printing and binding and distribution of bound and unbound copies of the Journals of the Senate and House of Representatives.]

The Committee on Printing, having made full investigation into the matter stated in the foregoing title, recommend the passage of the accompanying bill.

It was learned by your committee that there were more of the unbound Journals of both branches of Congress printed and distributed in signatures or parts, semi-monthly, than were needed, and hence the number has been reduced. Since the Congressional Record has been made so complete by its index there seems to be little demand for the semi-monthly issue of the Journals, the former containing the same information in better form.

Your committee, by correspondence and personal interview, endeavored to ascertain the exact number of bound Journals required for the good of the public service and to meet every reasonable demand. The result of this investigation is presented in the bill. By a mistake in the revision of the United States Statutes of 1878, the number of bound Journals was increased 1,550 copies. There being no need of continuing this duplication of the usual number it was deemed in the interest of economy to cut it off. Wherever the committee has found it possible to reduce the number of Journals printed under old law or custom by fitting the issue to the exact requirements, it has been done. The following tables will show in convenient form the distribution of the number of copies of the Journals proposed to be printed in the bill:

*Unbound copies in signatures.*

| | Senate. | House. |
|---|---|---|
| Office of the Secretary of the Senate | 6 | 6 |
| Office of the Clerk of the House | 5 | 25 |
| Document-room of the House | 5 | 5 |
| Public Printer | 4 | 4 |
| Library of the House (file copies) | 5 | 5 |
| Library of the Senate (file copies) | 5 | 5 |
| Total | 30 | 50 |

*Bound copies of Journals.*

| | Senate. | House. |
|---|---|---|
| Office of the Secretary of the Senate (for Senators) | 78 | 78 |
| Senate library | 36 | 36 |
| Senate document-room | 25 | 25 |
| Senate folding-room | 43 | 43 |
| House document-room (for members) | 337 | 346 |
| Department of State | 10 | 10 |
| Department of the Interior (for States) | 435 | 435 |
| Clerk of the House (for governors of States) | ..... | 128 |
| Library of Congress (for foreign exchange) | 52 | 52 |
| Court of Claims | 2 | 2 |
| Library of the House of Representatives | 7 | 15 |
| Total | 1,025 | 1,124 |

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1144.

# IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill H. R. 3727.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3727) entitled "An act for the relief of William P. Gorsuch," have had the same under consideration and report the same back favorably and recommend its passage.

The claimant seeks by this bill the return of $300 commutation money paid by him to secure his exemption from a draft in the late war. He was drafted August 6, 1864, from the subdistrict of Freedom and Franklin, Carroll County, Md.

According to the evidence adduced, the claimant was born August 7, 1819, and he was therefore exempt from draft on August 6, 1864, being on the last-named day forty-five years of age.

In Blackstone (Sharswood), vol. 2, p. 463, edition of 1860, it is said that "age is *completed* on the day *preceding* the anniversary of a person's birth."

Your committee annex hereto a communication from the War Department showing that this legal fact was overlooked or disregarded when claimant made application that the money be refunded, and from which it also appears that the claimant has been guilty of no laches in the matter of the presentation of his claim to the proper authorities before coming to Congress for relief.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, February* 9, 1888.

SIR: I have the honor to return herewith the letter of Hon. W. J. Stone, chairman House Committee on War Claims, dated February 2 instant, requesting information in connection with a bill pending (H. R. 3727) concerning the claim of William P. Gorsuch for return of $300 commutation money paid to exempt him from draft after he had attained the age of forty-five years, and to report as follows:

It appears from the records of the late Provost-Marshal-General United States, on file in this office, that William P. Gorsuch was drafted August 6, 1864, from subdistrict Freedom and Franklin, Carroll County, Fourth Congressional district, Maryland, and was exempted upon payment of commutation money. Description: White; age, forty-five; height, 5 feet 10 inches.

Under date of March 12, 1866, Mr. Gorsuch made claim for the return of this money, on the ground that at the time he reported in obedience to notice of draft, he had claimed exemption by reason of being over age; "that he had attained the age of forty-five years on the 7th day of August, 1864."

March 22, 1866, the claim was rejected, and he so informed by letter, copy hereto appended.

May 11, 1867, the claim was renewed, on the ground that claimant "was over forty-five years of age on the day he was drafted," and in support thereof filed an affidavit

of his cousin, Thomas Gorsuch, to the effect that he, the cousin, was born February 13, 1819, as shown by the family record, and "had often heard his parents say that affiant was about six months older than his cousin, William P. Gorsuch;" also the claimant's own sworn statement "that the family record in which his own age was recorded was lost many years before, but he had frequently been told by his parents and other relatives that he was born on the 7th day of August, 1819."

The claim was again rejected, and he so informed by letter, copy hereto also appended.

Section 3 of the enrollment act of March 3, 1863, directed the enrollment of all persons between the ages of twenty and forty-five years (in two classes), and "that all persons thus enrolled shall be subject for two years after the first day of July succeeding the enrollment to be called into the military service," etc. (Section 11.)

Section 6, act of February 24, 1864, however, directed the correction of the enrollment, by striking off such as shall "have arrived at the age of forty-five years," etc.

I have the honor to be, sir, very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

Under the act of February 24, 1864, the claimant having "arrived at the age of forty-five years" on the 6th of August 1864, he was exempt, and not liable to be called on to pay the $300, nor any other sum on account of the draft.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1145.

# IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Printing, submitted the following

## REPORT:

[To accompany S. R. 77.]

*The Committee on Printing, to whom was referred the resolution (S. R. 77) to provide a duplicate of the compilation of the reports of the committees, having considered the same, report as follows:*

Under public resolution No. 24, first session Forty-ninth Congress, approved July 29, 1886, and concurrent resolution of March 3, 1887, there was compiled and indexed one set of the Reports of the Committees of the Senate and House of Representatives from the year 1815 to 1887. In the distribution of the said reports each committee received a copy of its own reports. Committees have found the reports so convenient and useful that there exists a demand for a duplicate set, so that the House committee reports shall be placed in the Senate committee-rooms, and *vice versa*. Under existing circumstances the committees obtain the use of reports other than their own by a system of borrowing. It is to obviate the inconvenience and loss of time incident to this condition of things that the above legislation is proposed.

The cost of the duplicate set will be $3,200 for collecting and compiling, and $800 for binding, making a total of $4,000.

The deficiency item of $1,477, for which provision is made in the joint resolution submitted herewith, was occasioned by the additional work made necessary by concurrent resolution of March 3, 1887. The work of compilation and indexing done under public resolution No. 24, July 29, 1886, was completed and ready to be submitted, when Congress, by concurrent resolution, ordered the work brought up to one year later. This entailed the additional expense stated, estimated on the basis of compensation agreed upon for the previous work, namely, 5 cents per index entry.

Your committee report back the resolution, with the recommendation that it do not pass, and submit in lieu thereof a joint resolution, with a recommendation that it do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1146.

# IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1888.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 518.]

*The Committee on Claims, to whom was committed the bill (S. 518) for the relief of the legal representatives of Henry H. Sibley, deceased, have considered the same and respectfully report:*

Henry H. Sibley was, before the rebellion, a major in the United States Army. He was born in the State of Louisiana, and graduated at West Point July 1, 1838. He served with distinction from that time to the breaking out of the rebellion. He was in several Indian wars; in many battles, including several important battles in the Mexican war, and was breveted a major March 25, 1847, for gallant and meritorious conduct in the affair at Medilin, near Vera Cruz. He resigned his commission in the Army of the United States, being then major in the First Dragoons, May 13, 1861. He accepted a command in the rebel service, and continued in that service during the war of the rebellion. His political disabilities were removed by an act of Congress; he was pardoned August 16, 1867, by President Johnson, upon cer tain conditions, all of which he complied with.

His widow, Mrs. Charlotte K. Sibley, was born at Sackett's Harbor, N. Y. Her maiden name was Charlotte Kendall. She was the daughter of William Kendall and Charlotte Howard, both of the city of Boston. Her grandfather was Joseph Howard, one of the selectmen of Boston. All her relatives, so far as known, were loyal to the United States, were born in States which remained true to the Union, and sympathized with the Union cause. Mrs. Sibley herself strongly sympathized with the cause of the Union, endeavored to prevail upon her husband to come North during the war, and was much distressed at his resignation from the Union Army and abandonment of the Union cause. She was in the city of Brooklyn, N. Y., when the war broke out, and remained there until four or five months after the battle of Manassas. She then, in obedience to the command of her husband, joined him in Louisiana, and remained there until some three or four weeks before the surrender of General Lee. She returned to the city of Brooklyn and remained there until after the war. Her only children were a daughter, who was fifteen years of age when the war began, and a son, who was less than fifteen years of age when it ended. Her affidavit and other affidavits establishing these facts are annexed to this report.

Before the war Henry H. Sibley invented a certain conical tent, for which letters patent were issued to him on the 14th of April, 1856. It

was known as the Sibley tent. On the 18th of February, 1858, the War Department made a contract with him, by which the United States agreed to pay him a royalty of $5 apiece on all such tents which the Government should make. This was to continue till January 1, 1859, and thereafter until notice was given of its termination. That notice was never given.

On the 16th of April he assigned to W. W. Burns a one-half interest in his invention, and in "all benefits, profits, and royalties" which should arise from it after February 22, 1858.

The Government proceeded to use the Sibley tents, and used them before and during the war. The total amount of such tents so manufactured and used from March 1, 1858, to August 1, 1861, was 3,583, upon 3,377 of which the entire royalty has been paid. During the rebellion the number of tents used by the United States was 43,958. We annex a letter from the Quartermaster-General of the United States, stating the facts as to the use of these tents by the United States:

Burns was loyal throughout the war. He brought a suit against the United States, in the Court of Claims, for his share of the royalties, and recovered judgment, which was affirmed by the Supeme Court in 1871 (see 12 Wall., 246). That judgment has been paid in full. The amount so recovered was $101,242.50. There was never any proceeding, and, indeed, there was never any provision for a proceeding, which forfeited his rights under the contract or deprived Sibley of a like remedy, except the provision of the statute of March 3, 1863, which required as a condition of the right to sue in the Court of Claims an oath "that the claimant has at all times borne true allegiance to the Government of the United States, and has not in any way voluntarily aided, abetted, or given encouragement to rebellion against said Government."

The court held in Armstrong *vs.* The United States (13 Wall., 154) that a pardon by the President would enable a person, otherwise disabled by this provision from recovering against the United States, to recover though no proof should be made that the claimant never gave aid or comfort to the rebellion, and that, therefore, the above condition of the act of March 3, 1863, was not applicable to a person who had received a pardon. This decision was rendered at the December term, 1871. The court had previously held, in *ex parte* Garland (4 Wall., 381), that a pardon granted to a person who had engaged in rebellion before conviction prevented any of the penalties and disabilities consequent upon conviction attaching; also that a pardon granted after conviction removed the penalties and disabilities consequent thereon, and restored him to all his civil rights. This decision declared Mr. Garland restored to his right to be admitted an attorney and relieved from the obligation to take a test oath on such admission.

Sibley, therefore, might, according to this decision, have brought suit in the Court of Claims at any time after his pardon of the 16th of August, 1867. But the act of Congress requiring an oath that he had at all times borne true allegiance to the Government and had not in any way aided or abetted the rebellion stood apparently in his way. It was not till the promulgation of the decision in Armstrong's case at the December term, 1871, that the public generally, or even the profession, understood the law to be as so declared by the court.

We suppose that in an ordinary case Congress would remove without question the bar of the statute of limitations in the case of a person who had failed to bring a suit under such circumstances, but the committee seriously question whether they ought to waive the bar of the statute

of limitations to enable a person to bring an action against the United States under a contract for a military invention the use of which invention by the Government was largely increased and, indeed, almost wholly occasioned by a rebellion in which the claimant himself took part. If Mr. Sibley were himself the person seeking relief this objection would, in the opinion of a portion of the committee, be fatal to his claim.

But we think, on an appeal to the sense of equity and to the indulgence of Congress, the case of Mrs. Sibley and her children stands differently. She was unquestionably loyal to the Government, as were all her kindred. She endeavored to induce here husband to remain loyal. As he is dead, one-third of his property would become hers, either by his will or by the policy of most of the States in spite of his will, if he undertook to convert it from her. If he had a clear and unquestionable claim against the Government, nothing in his own misconduct or in any other fact which has occurred has ever impaired or extinguished it. It is a mere question of consenting to waive the statute of limitations.

If it were a question of actual forfeiture, the Constitution of the United States prohibits Congress from creating any attainder or forfeiture which shall extend beyond the life of the offender. The purpose of that constitutional provision is to prevent the penalty of treason from attaching to the innocent wife or children of an offender by depriving them of means of support, although the property which would otherwise be forfeited comes to them from an offending husband or father. We do not suppose that this constitutional provision extended to property like the present, but we think the purpose indicated by the Constitution is one which may properly be recalled to the attention of Congress in the present case, and that we are complying with its spirit when we waive the bar of the statute of limitations—which has only affected the remedy and not the right—so far as to enable Mrs. Sibley, for herself and her children, to test the question of the validity of the claim. Her husband died in great poverty. She is a lady of great personal worth, as the committee are assured by many persons of the highest character who have known her well.

We therefore recommend that she be permitted to bring suit in the Court of Claims notwithstanding the statute of limitations. The question whether any right accrued to Sibley under the contract by reason of the use of his invention for the period when he was in hostility to the United States will then be determined by the court, as it properly should be.

We recommend the passage of the bill.

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APPENDIX.

*Affidavit of Charlotte K. Sibley.*

I, Charlotte K. Sibley, of the city of Fredericksburgh, State of Virginia, do make oath that my maiden name was Charlotte Kendall; that I was born in Sackett's Harbor, State of New York, the daughter of William Kendall and Charlotte Howard, both of the city of Boston, and that my grandfather was Joseph Howard, one of the selectmen of the city of Boston. That my father, William Kendall, was in the employment of the Government of the United States and remained so up to the time of his death, and that his children have always and (with the exception of myself) now reside in the North. That I am now sixty-seven years of age. That I married the late Henry H. Sibley, formerly of the United States Army.

That at the time of the breaking out of the war of the rebellion I was with my children in the city of Brooklyn and my husband was in New Mexico. That I was much

opposed to his resigning his commission in the United States Army, as were all of my people, for I had been brought up in army circles, and all of my sympathies were with the Union. That I sympathized with and was loyal to the Union all during the war of the rebellion. That I was much grieved when I heard of my husband's resignation, and remained in the city of Brooklyn until four or five months after the battle of Manassas, and then, in obedience to the commands of my husband and against my own inclination, I went to Louisiana, where I remained with my husband until some three or four weeks before the surrender of General Lee, when I returned to the city of Brooklyn. That my daughter, Mrs. Helen S. Stokes, was only fifteen years of age at the beginning of the war and eighteen or nineteen when it ended. That my son, Sidney J. Sibley, these being my only two children, was at the ending of the war a mere boy, not yet fifteen years of age, and that neither of the said two children were guilty of nor capable of being guilty of disloyalty to the Government of the United States. That I and my children are the legal heirs of my husband, Henry H. Sibley.

Witness my hand this 30th day of December, 1886.

CHARLOTTE K. SIBLEY.

STATE OF VIRGINIA,
*City of Fredericksburgh:*

Personally appeared before me Charlotte K. Sibley, whose name is signed to the above paper, and made oath that the statements therein contained are true.

Witness my hand this 30th day of December, 1886.

A. B. BOTTS, *N. P.*

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*Affidavit of Abner Bartlett.*

I, Abner Bartlett, of the city of New York and State of New York, do make oath that during the year 1861 I knew Mrs. Charlotte K. Sibley; that she was then in New York City, and that my memory is quite clear that, in frequent interviews with me on her part at that time and when General Sibley, her husband, transferred himself to New Orleans, into the Confederate service, Mrs. Sibley did what she could to prevail upon him to come to the North, and if he could not join the Union cause to at least resign and stand neutral. I had opportunities of knowing and do know that Mrs. Sibley in her sentiments was loyal to the Union cause.

Witness my hand this 5th day of January, 1886.

ABNER BARTLETT.

Subscribed and sworn to before me this 5th day of January, 1887, a notary public in and for the city and State of New York.

CHARLES H. CLASS,
*Notary Public (224), New York County.*

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STATE OF NEW JERSEY, *Warren County, ss:*

Be it known that, on this 1st day of January, A. D. 1887, before me, a notary public, personally appeared Miss Theresa Kendall, and on her oath says that her sister, Mrs. Charlotte K. Sibley, was thoroughly loyal to the United States Government at the breaking out of the late rebellion, and was very much distressed at the resignation of her husband, Maj. Henry H. Sibley, from the Union Army.

THERESA KENDALL.

Sworn and subscribed before me this 1st day of January, 1887.

ROBERT A. COLE,
*Notary Public, Hackettstown, N. J.*

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*Affidavit of William H. Selden.*

I, William H. Selden, of the city of Washington, do make oath that I was born in the State of Virginia, am forty-six years old, and am the proprietor of the Metropolitan Hotel in the city of Washington, D. C. That I was during the civil war on the staff of General E. Kirby Smith, of the Confederate army, in the trans-Mississippi Department, from 1864 to 1865. That I was personally acquainted with Mrs. C. K. Sibley, wife of the late H. H. Sibley, and was where I formed an impression of her general reputation as to loyalty. That she had the general reputation among men

who knew her of being loyal to the Union cause, and that it was a matter of common rumor that she sympathized with the Union cause. I have read the affidavit of Mrs. C. K. Sibley and believe it to be a true statement of her sympathies and feelings.

Witness my hand this 2d of March, 1888.

W. H. SELDEN.

CITY OF WASHINGTON, *District of Columbia:*

Personally appeared before me William H. Selden, whose name is signed to the above paper, and made oath that the statements therein contained are true.

Witness my hand this 2d of March, 1888.

[SEAL.] JOHN CRITCHER, Jr.,
*Notary Public.*

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WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
*Washington, D. C., February* 13, 1888.

SIR: I have the honor to return herewith the communication from the Hon. J. C. Spooner, chairman of the Senate Claims Committee, dated the 8th instant, calling for certain information regarding the use of the patented Sibley tent by the Army of the United States.

In reply to the several interrogatories, I beg to state—

(1) That the total number of Sibley tents manufactured by the Quartermaster's Department from March 1, 1858, to August 31, 1861, inclusive, was 3,583, upon 3,377 of which royalty has been paid to both owners of the patent (Burns and Sibley) at the rate of $5 for each tent. Royalty upon 206 tents, at $2.50 each, has been made to Mr. Burns only.

(2) No Sibley tents were used by the United States since the termination of the rebellion and prior to the expiration of the patent in 1873. Since 1873 the total number purchased and manufactured was 935.

(3) The number of Sibley tents used by the United States during the rebellion was 43,958.

(4) As stated in answer 1, the total number of Sibley tents manufactured prior to the war of the rebellion was 3,583, as follows:

| | |
|---|---|
| 1858 | 1,449 |
| 1859 | 1,184 |
| 1860 | 744 |
| 1861 | 206 |
| Total | 3,583 |

or an average of about 896 tents per year.

It is fair to presume that if the rebellion had not existed the annual use of this tent (considering the gradual increase in the number of officers and enlisted men of the Army) would not have exceeded 1,000 per annum.

I am sir, very respectfully, your obedient servant.

S. B. HOLABIRD,
*Quartermaster-General U. S. Army.*

The SECRETARY OF WAR.

NOTE.—The number of tents manufactured from September 1 to 3, both dates inclusive, can not be given owing to the fact that returns of articles manufactured were rendered only at the end of each month.

The total number of tents manufactured during the month of September, 1861, can not be ascertained. The number manufactured at the Schuylkill Arsenal, Philadelphia, Pa., during the month of September, 1861, was 24.



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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1147.

# IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1888.—Ordered to be printed.

Mr. PASCO, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill H. R. 1483.]

*The Committee on Public Buildings and Grounds, to whom was referred House bill 1483, submit the following report:*

The committee has given careful consideration to the bill for a public building at Monroe, La., and agree in the main with the conclusions reached in the House. But they desire to include the usual condemnation clause in the bill, and to reduce the limit of cost to $75,000.

They adopt as a part of this report the following from the report of the House committee on this subject:

Monroe is the largest and most important town (or city) in the State of Louisiana north of Red River. It is situated on the Ouachita River at the junction of the Vicksburg, Shreveport and Texas Pacific Railroad. It is a large shipping port for both, and largely controls the commerce of the same, amounting annually to from fifteen to twenty millions by the river alone. It has several large and extensive industries. Two or three important lines of railroad are projected through the city.

There is no public building at Monroe belonging to the General Government. The necessity for one is great. The importance of having one for the use of the United States courts (which have more business at Monroe than at the other three places where courts are held in the western district of Louisiana) is attested by the following extracts from letters of the judge and chief clerk of the United States court which sits there, the same being on file with your committee.

In a letter from the judge of said court, he says:

"The United States court sessions held at Monroe are the most important in the district; we try more cases there than we do at all of the other places in which we have court. The court is in session at Monroe about three months of the year, and is busily engaged during the whole time. I do not now remember the number of suits on the docket at Monroe, but I expect to be engaged there at the April term for six or eight weeks.

"Monroe is in a rich and populous part of the district, and its proximity to that part of the Mississippi River which divides Mississippi from Louisiana will always induce most of the litigation in the United States courts for the western district of Louisiana to be disposed of at Monroe. The Government rents a large room for holding sessions of the court at Monroe, but provides nothing else in the way of accommodations for the officers of the court. The clerk has no office, and the papers filed in the court are at the mercy of all sorts of accidents. The marshal has no office; I do not know how he keeps or takes care of his papers."

In a letter from the chief clerk of said court, he says:

"I write to urge the necessity of an appropriation for the erection of a public building (United States court-house) at this place.

"The business in the United States courts here is constantly increasing, and as a matter of fact, which can be substantiated by the court records, there are a larger number of cases on the docket at this place than at all the other points in the district combined.

"In the building (Masonic Hall) now rented by the Government for use as a court-house there are no rooms for use of the judge, officers of court, or the grand and petit juries. In fact, the marshal has been compelled to rent two rooms over a bar-room, two blocks distant from the court-house, for the use of the juries.

"I am compelled for safety to keep the books and records of court in my room at my boarding-house."

A petition signed by all the lawyers and leading citizens of Monroe and the country adjacent thereto substantially sets forth the above facts also, and asks for a public building at that place. Monroe is also a large mail distributing point and has no suitable post-office, nor has it accommodations for the deputy internal revenue or other agencies of the Government.

From these evidences it appears:

(1) That the business of the courts at Monroe is constantly increasing and that there is a larger number of cases there than at all the other points in the district combined.

(2) That there is no place of safety in which to keep the papers and records of said courts, in which are involved large amounts and important interests.

(3) That the clerk is compelled for safety to keep the books and records of the court in his room at a boarding-house.

(4) That the marshal has no apartments owned by the Government in which to convene the juries, but is compelled to rent rooms for that purpose at a distance from the hall in which the court holds its sessions, and has to keep his papers and documents as best he can.

(5) The United States courts hold sessions at Monroe twice a year, during which it sits about three months, and it has a large and increasing business.

It appears that Monroe is an old and substantial city; that it has a steadily-growing influence and population; several large and important industries; an extensive trade; is located in the heart of a district embracing a population of about 180,000 people, who transact there all business they have before the United States courts.

The Committee on Public Buildings of both Senate and House of the Forty-ninth Congress made a favorable report on a similar bill, which bill was finally passed by both houses of said Congress, having finally passed the House in the last days of the second session, and was not returned by the President by the adjournment, and failed to become a law.

To carry out their conclusions this committee recommend the following amendments: In line 4, after the word "purchase," insert the words "acquire by condemnation."

In lines 21 and 22 strike out the word "seventy-five" and insert the words "one hundred."

And when thus amended they recommend that the bill do pass.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1148.

# IN THE SENATE OF THE UNITED STATES.

APRIL 30, 1888.—Ordered to be printed.

Mr. SPOONER, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill H. R. 615.]

*The Committee on Claims, to whom was referred the bill (H. R. 615) for the relief of James B. Mitchell, have had the same under consideration, and respectfully report:*

That this bill has passed the House of Representatives at this session of Congress. It was reported to that body from the House Committee on Claims, the report, which is adopted by this committee, being as follows:

By act of Congress approved June 15, 1882, the lines of the Yorktown customs district, in Virginia, were altered, and Yorktown, where the custom-house had theretofore been located, was made a port of delivery and a survey or authorized for the port, but no provision was made for his salary, and the custom-house was removed to Newport News, which was made the sole port of entry for the district.

On the 4th day of September, 1882, James B. Mitchell, who had theretofore been the collector of customs for the district, was appointed surveyor for the port of Yorktown, and, in anticipation from the representations of the Department that provision would be made for his salary, performed the duties of the position, which required his whole time, until the 31st day of January, 1883, on which day he resigned.

During this period he received for compensation but $59.45 in fees, and he asks that compensation at the rate of $3 per diem be allowed him.

This compensation is predicated upon the ordinary compensation of inspectors of customs duties similar to those imposed upon that office he performed, together with the duties of surveyor; and your committee, believing the demand to be just and reasonable, recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1149.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2829.]

*The Committee on Pensions, to whom was referred the petition of Sarah J. Foy, praying Congress to grant her a pension for services as a nurse, have carefully examined the evidence contained in the papers submitted to them and beg leave to report:*

The petitioner in this case accompanied the Second Vermont Regiment Volunteers to the front in June, 1861, for the purpose of nursing the sick and wounded of that regiment. It appears from the evidence that one of the inducements that led her to enlist her energies during the most of the first two years of the war was the fact that her husband was a member of that regiment; and it further appears from the evidence that when she accompanied said regiment to the field she was a hale and hearty woman, but from the date of her return, by reason of the exposure to which she was subjected, her health has been seriously affected, and she is now in a very debilitated condition and in destitute circumstances.

Dr. B. W. Carpenter, Second Vermont Regiment, says:

While she was with the Army she acted as hospital matron, that is to say, she did cooking and washing for the sick and wounded and took care of them and nursed them as best she could. I know that she did good and faithful service in caring for the sick and wounded, and in cooking and washing for them. I think her health was impaired while she was rendering this service in the Army.

General George J. Stannard makes affidavit that he was lieutenant-colonel of the Second Vermont Regiment at the time the petitioner was connected with it, and that he became well acquainted with her. He says:

She was with our regiment in camp and in the field as long as I remained with said regiment. While she remained she was connected with the surgeon's department and was at work in the hospital. I understand that she performed the work of a nurse while there.

Lieut. Col. Charles H. Joyce makes affidavit:

I also know that she did duty to the soldiers, in the hospital and out, taking care of the sick and wounded as carefully and tenderly as a mother would take care of her children. I know, also, that she did washing for the sick and wounded, and in every way administered to their wants and necessities, by night and by day, to the utmost of her power. I know that she was doing duty as hospital nurse. My attention was often called to Mrs. Foy, while she was with us in the field, to her self-sacrificing labors *and bravery under fire.* I remember particularly her behavior at Gollen's Farm, White Oak Swamp, and Savage's Station, *where she was for hours under fire and refused to leave us as long as she could be of any service to the sick and wounded.*

A. S. Tracy, colonel of the said regiment, also testifies to the faithful and efficient services rendered by the petitioner, as nurse and hospital matron, for the space of fifteen months, and to the hardships and peril that she passed through during that period of her service. The same testimony in favor of the petitioner is given by Lieut. A. H. Weed, of the same regiment.

The committee is of opinion that, under the evidence filed by the petitioner, she is entitled to relief at the hands of Congress, and that the prayer of the petitioner should be granted.

The committee therefore accompany this report with a bill, placing the name of Sarah J. Foy on the pension-roll.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1150.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2476.]

*The Committee on Pensions, to whom was referred the bill (S. 2476) granting a pension to Charles F. Urban, have examined the same and report:*

The applicant was a private in Company H, Forty-second, and Company H, One hundred and ninetieth Pennsylvania Volunteer Infantry. He filed an application December 15, 1884, alleging rheumatism. The claim was rejected on the ground that the alleged disease has not existed since the date the applicant's claim was filed. As the board of examining surgeons give it as their opinion that there is no ground for granting a pension, the committee recommends that the bill be not passed.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1151.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2611.]

*The Committee on Pensions, to whom was referred the bill (S. 2611) granting a pension to Charles Craft, have examined the same and report:*

The applicant was a private in Company F, Twelfth Regiment Kansas Volunteer Infantry. He enlisted August 25, 1862, and was discharged July 20, 1865. He made application for a pension, alleging sore eyes resulting from exposure in the service. The claim was rejected on the ground of no possible disability from cause alleged since date of filing claim.

The board of examining surgeons recommend that no rating be given in the case.

A careful review of the evidence convinces the committee that the action of the Department was correct, and they therefore recommend that the bill be not passed.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1152.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2352.]

*The Committee on Pensions, to whom was referred the bill (S. 2352) granting a pension to John F. Keran, late private Company E, Seventeenth Kansas Volunteer Infantry, have carefully examined the same and report:*

It appears that the claim of the soldier is pending in the Pension Bureau at this time, as is shown by the letter of the Commissioner of Pensions, dated April 6, 1888, to the chairman of the Committee on Pensions, in which he says:

> The case is still pending before this Bureau, awaiting the report of the board of examining surgeons at Ottawa, Kans., in compliance with the order dated February 11, 1888.

Under the rule established by the committee they decline to take jurisdiction of cases undecided and pending in the Pension Bureau. Senate bill 2352 is therefore reported adversely, with the recommendation that it be indefinitely postponed, that the papers may be returned to the Pension Bureau for further action.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1153.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2596.]

*The Committee on Pensions, to whom was referred the bill (S. 2596) to increase the pension of John A. Doyle, have carefully considered the evidence in the papers and report:*

The claimant is drawing a pension under the act of January 29, 1887 granting a pension to the survivors of the Mexican war, at the rate of $8 per month.

He claims in his petition that by reason of sickness while in Mexico, and exposure in the Army during the war of the rebellion, he is now unable to support himself by manual labor, and asks that his pension be increased to $50 per month.

The evidence, embodied in *ex parte* affidavits, shows that he was taken sick while on duty in Mexico, and was sick for the period of three weeks in 1848; that he was employed in the Army during the war of the rebellion in the commissary department, with the rank of captain, from 1862 to 1865.

There is no testimony by any physician, or any record of hospital treatment during the war, or subsequent to its termination, except the certificate of Dr. A. B. Bunnbaugh, who certified that the claimant has been under his treatment from October, 1886, to March 19, 1888, and that—

> The claimants uffered from trouble from the general mucous surfaces, especially from the rectum and bladder; that I believed his condition then to have been due wholly to influences arising from having been overtaxed, exposed, or overworked.

It will be observed that there is nothing in this certificate which shows that the disability under which claimant is laboring is not the result of his having been "overtaxed or overworked" while a clerk in the Treasury Department, a position which he held for twenty years. There is no satisfactory evidence to show that his physical condition is the result of his service in the Army.

The committee would therefore report Senate bill 2596 adversely, and recommend its indefinite postponement, for the following reasons:

(1) The act of January 29, 1887, granting pensions to survivors of the Mexican war, contemplates no grading of pensions by reason of disability.

(2) There is no testimony sufficient to show that the disability of the claimant is the result of "injury received or disease contracted" in the line of duty in the service of the Government, either in the Mexican war or the war of the rebellion.

(3) If claimant is entitled to be pensioned for "disease contracted or injury received" while in the service and in the line of duty during the war of the rebellion, his application should be made to the Pension Bureau, under the general law giving pensions, and not to Congress.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1154.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2606.]

*The Committee on Pensions, to whom was referred the bill (S. 2606) granting a pension to John B. Timberman, have examined the same, and report:*

The applicant was a private in Company G, Thirty-fourth Ohio Volunteers. He entered the service September 9, 1861, and was discharged September 13, 1864. He filed an application July 2, 1880, alleging rheumatism contracted while on the march over the Alleghany Mountains. He claims that in 1867 this complaint resulted in paralysis of the legs from the hips down. His claim was rejected for want of evidence to clearly show the origin of the disease in the service. The examining surgeons gave him a total rating.

A careful review of the evidence convinces the committee that the case is a meritorious one, and they therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1155.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2569.]

*The Committee on Pensions, to whom was referred the bill (S. 2569) granting a pension to Robert Theodore Howard, have examined the same and report:*

The applicant enlisted in Company A of the Oregon Battalion June 24, 1847, and was discharged November 6, 1848. He applied for a pension under the act approved January 29, 1887. His claim was rejected on the ground that the battalion to which he belonged was organized under another act and for special services other than for the war with Mexico.

The company to which applicant belonged was not in Mexico, neither was it on the coast or frontier of that country or en route thereto during the Mexican war.

The committee recognize no basis for a claim, and recommend that the bill be not passed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1156.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2365.]

*The Committee on Pensions, to whom was referred the bill (S. 2365) for the relief of James A. Armstead, have carefully examined the same and report:*

The soldier enlisted in the regular Army September 12, 1866, and was honorably discharged July 18, 1878. He made application for a pension, based upon his certificate of discharge in 1878, which was granted at $4 per month. The cause of the disability, as set out in his discharge, is as follows:

> In my opinion this man is not a suitable person for the service, because of his morose and suspicious disposition. I do not think he is a safe man to be with men where fire-arms are accessible.

He applied for an increase in 1883, and filed the evidence of several physicians, none of whom, however, rated him over one-half disability. The application was rejected. He filed a further claim for an increase in 1886, accompanied, however, by no new testimony.

None of the evidence in the papers even tends to show any disability exceeding one-half, and as the soldier is now receiving a pension of that rating, the committee feel constrained to report Senate bill 2365 adversely, and recommend its indefinite postponement.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1157.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. BLODGETT, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2362.]

*The Committee on Pensions, to whom was referred the bill (S. 2362) granting a pension to Jackson Myers, have carefully examined the same, and report:*

The claimant alleges that he was enrolled on the 18th day of August, 1861, as a private in Company H, Fourth West Virginia Infantry Regiment, and was discharged on account of disability contracted while in the service on the 25th of October, 1861. He alleges that he never received his discharge, although it had been promised him. He claims a pension because of "prostration of the vital functions and weak back, disabilities resulting from cold and exposure while he had the measles."

There is no evidence furnished by the claimant, and his right to a pension must therefore depend upon the evidence furnished by the Bureau of Pensions. The Adjutant-General reports that—

The name of Jackson Myers is not found on any roll of Captain Bunker's Company H, Fourth West Virginia Regiment, on file in this office.

The board of examining surgeons, who examined the claimant at Charleston, W. Va., certifies:

We find the disability, as described above, to entitle him to no rating.

This being all the evidence furnished, the committee report Senate bill 2362 adversely and recommend that it be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1158.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

MR. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2655.]

*The Committee on Pensions, to whom was referred the bill (S. 2655) granting a pension to Lydia Hawkins, have examined the same and report:*

The claimant is the widow of Richard Hawkins, deceased, late a corporal in Company D, Fifty-seventh Regiment of Ohio Volunteer Infantry, in the war of 1861.

The soldier enlisted December 1, 1861, and served until July 29, 1863, when he was discharged as not fit for service, and unable for duty even upon the Invalid Corps. He died at his home in Cincinnati August 20, 1866.

The claim was rejected by the Pension Bureau upon the ground that his mortal illness was not due to his military service. The testimony of his neighbors is that he was a sound, healthy man before and at the time of his enlistment.

The testimony of Lieutenant Banks and others, his comrades, shows that in April, 1862, he was attacked with what afterwards proved to be chronic diarrhea; that he was sent to the hospital for treatment thereof; that although he returned to duty, he never recovered; that he at last grew worse, and, being always unwell, was discharged for disability.

His neighbors testify that upon his return he was in bad health, taking medicine all the time, unable to work, thin and emaciated; was suffering from something like flux or disease of the bowels. Dr. Green, the physician in his last illness, swears that from 1865—July of that year—he treated him once every four or six weeks, until he died, for chronic diarrhea; that he died of Asiatic cholera, superinduced by the diarrhea, from which he had suffered a "long time previous to his death."

Your committee think the disease incurred in the service was the cause of the soldier's death, and therefore recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1159.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2656.]

*The Committee on Pensions, to whom was referred the bill (S. 2656) granting a pension to the widow and minor children of Patrick Trawley, have examined the same and report:*

That the claimants are the widow and children of Patrick Trawley, deceased, late a private in Company C, Tenth Regiment Ohio Volunteer Infantry, in the war of 1861.

The soldier enlisted September 23, 1863, and served until February 11, 1863, when he was discharged upon account of disability incurred by a wound by gunshot in left arm, received at the battle of Perryville. He died at his home, in Cincinnati, March 26, 1883, of pulmonary consumption. The Pension Bureau rejected the claim of the widow for the reason that his disease and death were not traceable to his military service.

The soldier was a pensioner at the time of his death, at the rate of $10 per month, upon account of his said wound. His personal acquaintances testify that up to and at the time of his enlistment he was a stout, hardy, robust man; that at the time of his return from the service he was suffering from his wound, and soon after from a hacking cough, which was induced by waste of the system from the wound, which never healed—remained a running sore until his death; that he could not work at his trade, that of a glass-blower, being weak and unable to do anything but very light work.

The medical testimony is to the same effect, and his condition grew worse until he died. The physician in his last illness testifies that his wound was still discharging pus; that the cough and consumption of his latter life were due to the incurable condition of the wound, the virus of which had permeated the whole system.

The widow is in very necessitous circumstances, without means or expectation of any; and, believing that the wound was certainly the cause of the subsequent disease and death of the soldier, your committee recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1160.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2638.]

*The Committee on Pensions, to whom was referred the bill (S. 2638) granting a pension to Emma Dill, have examined the same and report:*

The claimant is the widow of William Dill, late a captain in Company D, Thirty-fifth Regiment Iowa Volunteer Infantry, in the war of 1861. The soldier died September 10, 1886, and was, at the date of his death, a pensioner of the United States at the rate of $10 per month on account of gunshot wound in ankle of left leg. The claim has been rejected for the reason that his death was not due to the wound.

Dr. George O. Morgridge, of Muscatine, Iowa, testifies that he attended the soldier during his last illness, and from the summer of 1878 previously. That he was suffering, when he first treated him, from eczema of left leg, having its origin from an old wound, received while in the military service. In 1879 the disease extended itself over the left leg, and permanently located in the right, and that in the summer of 1883 the disease spread over the whole body, and the soldier was confined to the house—most of the time to his bed. That the soldier was never well after this; suffered from various diseases caused by "destruction of the functions of the skin," from eczema; that he died September 10, 1886; that his death was due to the wound, this being the cause of the eczema, of which he died.

This statement of the physician is uncontradicted, and we think it shows conclusively that the death of the soldier is traceable to the wound he received in the service.

The passage of the bill is recommended.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1161.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2629.]

*The Committee on Pensions, to whom was referred the bill (S. 2629) granting a pension to Bartola Thebaut, have examined the same and report:*

The claimant was a private in Capt. Thomas Ledwith's company of the Florida militia in the war with the Seminole Indians of that State in 1849–'50. The company mentioned was called out by and was in the service of the State; was not mustered into the service of the United States; was paid by the State in the first instance, but this expenditure was subsequently re-imbursed by the General Government.

The claim for pension is founded upon injury to the testicles, which was suffered by the kick of a horse while the soldier was on duty as a mounted scout against the Indians, at or near Spring Garden, in the State of Florida, in the year 1849.

The loyalty of the claimant is fully shown, he having served, but not as a soldier, in the quartermaster's department of the United States forces in Florida, during the late war, from 1863 to 1865, upon light duty. The claim has been rejected by the Pension Bureau upon the ground that the evidence does not show that the injury was received in the service of the United States or that the disability is continuous.

Your committee think payment by the United States to the State of the money disbursed in payment of the company to which the soldier belonged is a sufficient recognition of the Federal character of the service and an acknowledgment of its efficiency.

As to the other objections made it is clear to us upon the proof that the injury was incurred in the line of duty, was a very severe one, and that the same has never been cured.

The medical and lay witnesses both concur in the statement that the claimant is now suffering from said disability. It is spoken of as "now in existence," as "permanent," as one, owing to the nature of the parts, impossible to be treated surgically "without danger to life;" as a "rupture," yet being in the scrotum as disabling the claimant from any kind of manual labor except the lightest.

The claimant is now nearly sixty years old, not in good circumstances, needing assistance to gain a livelihood.

The committee therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1162.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2659.]

*The Committee on Pensions, to whom was referred the bill (S. 2659) granting a pension to Antony Schomacker, have examined the same and report:*

The claimant under the bill enlisted in Company D, Eighth Regiment Missouri Volunteers, on the 14th June, 1861, and was mustered out with his company July 1, 1864. In filing a declaration for pension in July, 1872, he states that "while at or near La Grange, Tenn., about June 30, 1862, he received a sun-stroke while on the march," from the effects of which he has suffered since to the present.

The Army records show no evidence of disability on June 30, 1862, and the regimental return for July, 1862, does not report him absent from duty from any cause during that month. The only official record of claimant's illness during service covers two days, from June 25 to June 27, 1863. He is unable to furnish medical testimony of disease and treatment since service, because, as he swears October 8, 1873, "he has not been treated by any physician since discharge;" and because, as he swears July 19, 1879, "he has never had regular medical attention, but has used such remedies as gave temporary relief;" and also because, as he swears June 8, 1882, "the physicians who have treated him since discharge have all died!"

The committee recommend that the bill be indefinitely postponed.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1163.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2660.]

*The Committee on Pensions, to whom was referred the bill (S 2660) granting a pension to Spencer West, have examined the same and report:*

The claimant's application for pension is yet pending in the Pension Bureau, as appears from letter of the Commissioner of April 18, 1888.

The evidence last called for was asked for July 25, 1887. As it does not appear that it can not be supplied, and as the case is yet undetermined by the Pension Bureau, we do not think any special legislation at this time is necessary.

Your committee therefore recommend that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1164.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2626.]

*The Committee on Pensions, to whom was referred the bill (S. 2626) granting a pension to Catlena Lyman, have examined the same and report:*

The claimant is the widow of William C. Lyman, late assistant surgeon U. S. Navy, now deceased. It appears from letter of Commissioner of Pensions of date April 17, 1888, that the claimant is now drawing a pension and has been since January 28, 1879. The rate is $25 per month.

No cause is shown for increase, nor does it appear that any increase has been applied for at the Pension Bureau up to this date.

Your committee recommend that the bill be indefinitely postponed.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1165.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Claims, submitted the following

## REPORT:

[To accompany bill H. R. 92.]

*The Committee on Claims, to whom was referred the bill (H. R. 92) for the relief of Morgan Rawls, have had the same under consideration and respectfully report:*

That Morgan Rawls was in the year 1865 the owner of a small dwelling-house in the village of Guyton, in the State of Georgia, which stood between and near certain buildings erected by the Confederate authorities for hospitals and quartermaster and commissary stores. This dwelling-house is proved to have been worth $800, apart from the ground on which it stood.

In the fall of 1865, and during the absence of said Rawls in attendance upon the constitutional convention of his State, of which he was a member, and after the taking of the amnesty oath, which he has faithfully observed, a detail of United States soldiers was sent to Guyton by the United States military authorities at Savannah, with instructions to take down and remove the said Confederate buildings to Savannah, for the purpose of using the materials in the construction of school-houses for freedmen. In the execution of these instructions those soldiers by mistake demolished said dwelling-house belonging to Rawls.

For a long time Rawls held a correspondence with the military authorities at Savannah, seeking for compensation at their hands, and believing it would be thus accorded to him. Finally he applied to the Forty-third Congress for relief, and has been since prosecuting his claim before that body; but he could never get any action till a bill for his relief was favorably reported in the Forty-seventh and then in the Forty-eighth Congresses; but a vote was never reached.

During the present session of the Fiftieth Congress a similar bill has been passed by the House of Representatives; and your committee, to whom it has been referred, believing the claimant entitled to be paid for his property thus destroyed through mistake by the United States authorities, report the same back with a recommendation that it do pass.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1166.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Pensions, submitted the following

## REPORT:

*The Committee on Pensions, to whom was referred a bill (S. 41) granting a pension to Mrs. Octave Pavy, have examined the same and report as follows:*

This bill merely proposes in the usual form to place the name of Mrs. Octave Pavy, the widow of Octave P. Pavy, whose real name is Lilla May Pavy, on the military pension list of the United States. Your committee finds that Mrs. Pavy filed a declaration for a pension on the 15th day of August, in the year 1884, and was granted a certificate therefor on the 24th of September, in the year 1886; and that her name stands on the pension-roll for a pension at the rate of $17 per month, which is the full rate of pension allowed by law to an officer of the grade which her husband bore at the time of his death.

Your committee are therefore compelled to report adversely upon this bill.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1167.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. WILSON, of Maryland, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bills S. 252 and 1042.]

*The Committee on Pensions, to whom was referred Senate bills 252 and 1042, the first being for extension of pension to Mrs. Ann Leddy and the second for the relief of Ann Leddy, have examined the same and report:*

These bills are substantially the same, each seeking to grant arrears of pension to Ann Leddy, the widow of Thomas Leddy, from the death of her husband in 1873 up to the date of a special act of Congress, dated August 5, 1882, by which a special pension was granted to said widow. A similar bill was introduced into the Senate at the second session of the Forty-eighth Congress, and also during the first session of the Forty-ninth Congress, at each of which sessions the Committee on Pensions, through Mr. Jackson, one of its members, made the following adverse report, which, for the reasons therein given, your committee adopt, and recommend that said bills do not pass:

That in March, 1874, the said Ann Leddy filed her application for pension as the widow of Thomas Liddy, late captain of Company B, Sixty-ninth Regiment New York Volunteers, alleging as the basis of her claim that her said husband died "at Fernandina, Fla., on the 13th of October, 1873, from the effects of lung and heart disease, produced by gunshot wounds received while in said service" of the United States. After investigation the claim was rejected, on the ground that the evidence did not show that the cause of death had its origin in the service. The widow then applied to Congress for relief, and by special act approved August 5, 1882, she was placed upon the pension roll at the rate of $50 per month from the date of said act. The present bill proposes to give her arrears by making her pension commence and be paid to her from and after the death of her husband (Captain Leddy), October 13, 1873.

Congress has once acted upon the case, and granted such relief as was deemed proper in the premises. Nothing new or additional in the shape of evidence is produced, and this additional relief is sought upon the same state of facts on which Congress has once acted.

Your committee think it would be bad policy, productive of much evil, to favor such repeated appeals to Congress, and they have steadily refused to grant relief a second time in cases like the present. They accordingly recommend that the bill be indefinitely postponed by the Senate.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1168.

IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2631.]

*The Committee on Pensions, to whom was referred the bill (S. 2631) granting a pension to Clarence Brown, have examined the same and report:*

This case is without merit, and the committee recommend the bill for indefinite postponement.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1169.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2630.]

*The Committee on Pensions, to whom was referred the bill (S. 2630) granting a pension to N. H. Guyton, have examined the same and report:*

The claimant was wagon-master for a year and a half during the Mexican war, and on that ground made application for pension, which was rejected. He now petitions Congress. The law authorizing army pensions for service in the Mexican war limits the grant to those who were "duly enlisted in the military service of the United States." In a few cases where exceptional service was rendered by civilian employés Congress has stepped outside the statute and conferred pensions as marks of special merit. There is nothing in the case under consideration to distinguish the claimant from the mass of those who rendered like service.

The committee report unfavorably upon the bill, and recommend it for indefinite postponement.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1170.

IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2573.]

*The Committee on Pensions, to whom was referred the bill (S. 2573) granting a pension to George H. Boyd, have examined the same and report:*

The claimant, late private Companies G and I, Twentieth Ohio Infantry, and second lieutenant Company H, Eleventh Ohio Cavalry, petitions for a pension, at $20 a month, for disability on account of paroxysmal asthma, chronic inflammatory rheumatism, affecting the heart, limbs, arms, spine, and head, and partial paralysis of lower limbs. Claimant enlisted September 5, 1861, and while serving as private, contracted rheumatism, which procured his discharge June 26, 1862. In July of 1863 claimant re-entered the service as second lieutenant of cavalry, remaining in such position until his dismissal by special order No. 109, dated March 6, 1865. The stigma of dismissal was removed by order of the President under date of April 18, 1870.

At the first session of the Forty-ninth Congress claimant petitioned for the appropriation of a sum equal to his salary from the date of his dismissal, March 6, 1865, to the date of the discharge of his company, July 14, 1866, with other sums specified in his petition, which was reported adversely by the Military Committee of the Senate.

In June, 1885, claimant filed declaration for pension, which was rejected in July, 1887, "upon the ground that it is shown that the alleged disabilities have not existed in a pensionable degree since the date of filing the claim." The present petition is accompanied with testimony taken during March, 1888, the object of which is to rebut the adverse decision of the Pension Bureau. The proper place for this testimony is the Pension Office, in support of an application for rehearing. The committee decline to pass in the first instance upon testimony which has not been offered to and rejected, or unreasonably neglected, by the proper bureau.

The record will be returned to the Pension Office, without prejudice to claimant, and the committee recommend that the bill be indefinitely postponed.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1171.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2700.]

*The Committee on Pensions, to whom was referred the bill (S. 2700) granting an increase of pension to Allen Blethen, have examined the same and report:*

Allen Blethen, late of Company H, One hundred and twenty-fourth Ohio Volunteers, during a four years' service, contracted chronic diarrhea and epileptic form of spasms, which have resulted in nervous prostration and general debility, until the partial disability from which he has suffered since the war has, within the past few years, become total, and he is now physically and mentally incompetent for self-support. The claimant is now in receipt of a pension of $4 a month on account of chronic diarrhea, but the greater disability from which he suffers is not recognized.

The committee are satisfied from a careful examination of all the statements and testimony in the pension records and other evidence outside thereof that the dread disease which has at last fastened itself upon the claimant is due to a partial sun-stroke, or fit of epilepsy, occurring in battle, from which he for the time recovered, but which in complication with other disorders has made him a confirmed epileptic. He is the eldest of four brothers, of whom the three who were of proper age entered the service—one to die in hospital, another to suffer from severe wounds, and the eldest degenerating by degrees into epilepsy, to become a charge upon the generous bounty of the fourth, who, fortunately for the claimant, lacked the years and strength to venture into war.

Believing the claimant's disabilities to be fairly chargeable to his army service, the committee report favorably upon the bill and recommend it for passage.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1172.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1822.]

*The Committee on Pensions, to whom was referred the bill (S. 1822) granting a pension to Ann E. Cooney, have examined the same and report:*

Ann E. Cooney, who was a prominent and efficient Army nurse during the war, was pensioned at the last Congress at $20 per month. The reduction of $5 per month from the usual rate was due in her case to the impression that she had been in receipt of regular pay during the term of her service. From information laid before the committee this is shown to be an error. She received no compensation up to October, 1864, except $24, which she was obliged to accept as payment for two months' service at Wilmington, N. C., in order to provide herself with funds to pay transportation to Washington, D. C., where she went at that date to take service under Miss Dix.

In point of intelligent and devoted work in hospital and camp the claimant stands on an equality with the most distinguished of the women of the war, and the discrimination against her shown in the reduction referred to is unwarranted and unjust.

The committee recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1173.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1255.]

*The Committee on Pensions, to whom was referred the bill (S. 1255) granting arrears of pension to Sarah E. Brashear, have examined the same and report:*

The late soldier James Foster was enrolled in Company I, Ninety-ninth Illinois Volunteer Infantry, August 12, 1862, and was mustered out with company July 31, 1865. He was treated in hospital, while in the service, for phthisis pulmonalis and bronchitis, and died December 23, 1870, from disease of lungs. Widow's claim for pension was filed July 2, 1880, and rejected February 16, 1887, on the ground of no title to pension, she having remarried.

Laura A. Foster (now Anthony) was pensioned at the rate of $10 per month from February 12, 1873, to July 30, 1884, when her name was dropped from the rolls, she having reached the age of sixteen.

There is no evidence in the claim showing that the soldier either applied for or received a pension during his life-time, and as the widow's application was not filed on or before June 30, 1880, she has no claim under the arrears act.

Your committee find no warrant for recommending the granting of arrears of pension in this case, and therefore report adversely.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1174.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 2413.]

*The Committee on Pensions, to whom was referred the bill (S. 2413) granting an increase of pension to Ernst Hein, have examined the same and report:*

Claimant enlisted in Company H, Eighteenth Massachusetts Volunteer Infantry, August 20, 1861, and was discharged September 7, 1863, on account of atrophy of left arm, contracted since enlistment; re-enlisted in Company C, Thirteenth Veteran Reserve Corps, June 18, 1864, and was discharged November 13, 1865. By act of Congress approved June 1, 1880, he is now drawing a pension of $10 per month on account of paralysis of left arm and disease of stomach.

Claim for pension on account of wound of index finger of left hand was rejected June 17, 1885, on the ground that there is no record of the alleged wound on file at the War Department, and claimant is unable to furnish satisfactory evidence showing the incurrence of the same in the service, and in the line of his military duty.

The testimony in the claim is as follows: In his declaration filed June 2, 1876, claimant states that his left hand was crippled in the service May 2, 1863. In affidavit filed March 18, 1884, claimant states that he was wounded in left index finger at the battle of Seven Days Fight before Richmond, Va., June or July, 1862. In affidavit filed October 17, 1884, claimant states that he was absent from his company on provost duty at the time he received the wound, and none of the commissioned officers of his regiment were present at the time, and that consequently he can furnish the testimony of no officer, with the exception of Surgeon W. Holbrook, who dressed his wound; nor can he furnish the testimony of any of the comrades of his regiment, for the reason that none of them were present with him.

W. Holbrook, surgeon, Eighteenth Massachusetts Volunteer Infantry, in affidavit filed July 27, 1883, testifies that he dressed the wound of the forefinger of the left hand of claimant at the first battle before Richmond, Va., June or July, 1862, and that claimant had been taken out of his regiment and placed on provost guard; that claimant was not sent to any hospital, but was excused from duty for about three weeks.

In affidavit filed November 26, 1884, George W. Smith, a sergeant of Company H, Eighteenth Massachusetts Volunteer Infantry, testifies that claimant was detailed on provost-guard duty, and sent to the rear

of the Army to keep up stragglers, and that he was not wounded in his index finger when he left the regiment, but that after the lapse of a few days, when he returned to the regiment, he was wounded in the upper knuckle of his left index finger, and affiant was informed that the said claimant received his wound in the battle before Richmond, Va.

In affidavit filed November 26, 1884, Charles H. Drew, captain of Company H, Eighteenth Massachusetts Volunteer Infantry, testifies that in June, 1862, claimant was a sound man, and a faithful soldier, but subsequently it is said that claimant was wounded in the left index finger; that he has no personal knowledge that such was the case, but believes the statement of claimant.

In affidavit filed June 2, 1876, Dr. William Russell, of Oneida County, N. Y., testifies that he finds upon examination that there has been a fracture of the metacarpal bone of the forefinger of the left hand, involving the joint; that there is now a false joint with considerable deformity; that he has been acquainted with claimant since 1866, and has personal knowledge of his disabilities.

The board of United States examining surgeons, at Utica, N. Y., rate claimant one-fourth for wound of index finger of left hand.

Favorable action is warranted by the facts in the case, and your committee, therefore, recommend the passage of the bill.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1175.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2052.]

*The Committee on Pensions, to whom was referred the bill (S. 2052) for the relief of Bridget A. Murphy, have examined the same and report:*

Claimant is the widow of Thomas Murphy, who enlisted as a private in Company I, Twenty-third Illinois Volunteer Infantry, March 18, 1865, and was mustered out with company at Richmond, Va., July 24, 1865. Widow's claim for pension was rejected February 10, 1887, on the ground that the soldier's death was the result of an accident having no connection with his military service.

In her application, filed October 18, 1886, claimant states that her late husband was wounded, in the right hand, causing the loss of two fingers, crippled in the back, had several bullets through his arms and legs, and was six months and seven days in Andersonville prison; that they have one daughter, Mary Ann Murphy, who was born June 1, 1882.

In her letter to the President of the United States, dated February 12, 1887, claimant states that she is in very destitute circumstances, suffering from rheumatism, and has to make her home in the Cook County, Ill., Infirmary, and prays that speedy relief be granted her.

In affidavit filed January 15, 1887, John Murphy and John Hughes, of Dunning, Ill., testify that the late soldier was a sound, able-bodied man prior to his enlishment into the service; that they saw him immediately after his discharge from the Army in the summer of 1865, and knew him well to the time of his death, May 6, 1886, and have personal knowledge that he was a constant sufferer from rheumatism and lame back, which disabled him for the performance of manual labor.

In affidavit filed February 1, 1887, Dr. A. Thuemmler, of Dunning, Ill., testifies that the late soldier was an inmate of the Cook County Infirmary from October 21, 1885, to April 9, 1886, during which time he was a constant sufferer from rheumatism and spinal trouble.

A transcript from the records of the Bureau of Vital Statistics shows that the soldier was accidentally crushed by a box falling on him while moving, May 5, 1886.

While the evidence in the case shows no connection between the cause of the soldier's death and his military service, yet it is shown that he was a continuous sufferer by reason of disabilities contracted in the service.

The widow and her minor child are now in destitute circumstances, and in the opinion of your committee should receive early relief.

The passage of the bill is therefore recommended.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1176.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 1264.]

*The Committee on Pensions, to whom was referred the bill (S. 1264) granting a pension to Martha V. Coleman, have examined the same and report:*

The claimant, Martha V. Coleman (*née* Hudson), was matron and nurse in Adams General and Officers' Hospital at Memphis, Tenn., from January 10 to September 5, 1863. She now resides at Forestville, Md., and petitions to be granted a pension of $30 per month, on the ground that, owing to the arduous duties incumbent upon her as matron and nurse in hospitals at Memphis, Tenn., during the war of the rebellion, she contracted typhoid fever, and is suffering from the effects of the same at the present time; that she has children dependent upon her for support and education, and that a pension would relieve her present necessities.

Dr. Wilbur P. Buck, of Moweaqua, Ill., testifies that he was assistant surgeon of the Eighth Illinois Veteran Volunteer Infantry, and has personal knowledge that claimant rendered valuable service as nurse and matron in the Officers' General Hospital at Memphis, Tenn. The testimony of Dr. Buck is corroborated by J. C. Garland, M. D., acting assistant surgeon, U. S. Army, 1863–'64; Harley Crocker, late captain Company C, One hundredth Indiana Volunteer Infantry, and Rev. H. L. Vannays, of Goshen, Ind.

It appears from the facts in the case that the claim is a meritorious one, and your committee therefore recommend the passage of the bill.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1177.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

# REPORT:

[To accompany bill S. 1319.]

*The Committee on Pensions, to whom was referred the bill (S. 1319) granting a pension to Anna Slater, have examined the same and report:*

Claimant was a volunteer nurse in United States General Hospital, Armory Square, Washington, D. C., in 1862. She petitions to be placed upon the pension-roll on the ground that, owing to great and severe labor in connection with her duties in general and field hospitals, and from exposure incident to such service, she contracted rheumatism, which has continued to the present time, greatly disabling her for manual labor.

Her services as a faithful and competent nurse are certified to by Dr. D. W. Bliss, surgeon in charge of Armory Square Hospital; W. W. Hodgman, general ward-master of the same hospital; D. L. Dix, superintendent of women nurses; Ruth W. Hodgman, Grace A. Falk, Emily D. Spear, and Hiram Spear, employés in Armory Square Hospital.

Thomas D. Bond, of Washington, D. C., in a letter dated January 3, 1888, certifies to the good character of claimant, and states that four or five years ago she was keeping house for him, but was compelled to leave on account of rheumatism, with which she was severely afflicted.

Dr. John Cronmiller, of Laurel, Md., in a letter dated January 4, 1888, certifies that about six years ago claimant consulted him for rheumatic trouble affecting her left arm and shoulder, greatly impairing her usefulness.

Mary A. Lillibridge, Elizabeth Curley, George W. Lillibridge, John W. Whiteside, Theodore Morrison, Margaret Morrison, and Eliza J. Burgee, citizens of Laurel, Md., petition that claimant's name be placed upon the pension-roll, on the ground that she is unable to earn her living by reason of physical disability contracted as a hospital nurse in the service. They further state that claimant entered upon duty in field hospital at Laurel, Md., in the fall of 1862, and remained there until the close of the war, rendering faithful and valuable service.

In an affidavit executed January 3, 1888, A. M. Bond, E. J. Cartle, and George W. Curley, citizens of Laurel, Md., testify to claimant's faithful service as a hospital nurse during the late civil war, and pray that her name be placed upon the pension-roll, on the ground that she is now suffering from disabilities, contracted in the service, disabling her to earn her living by physical labor.

The facts in the case warrant favorable action, and your committee therefore recommend the passage of the bill.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1178.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2830.]

*The Committee on Pensions, to whom was referred the petition of Johanna Dorman Smith, praying for the passage of an act granting an increase of pension to her minor child, Elvira M. Dorman, have examined the same, and report:*

James Dorman, the father of Elvira M. Dorman, enlisted in company A, First Kansas Volunteer Cavalry, May 30, 1861, and was mustered out of the service June 16, 1864. He contracted hernia in the service and died February 12, 1879, of what was supposed to be valvular disease of heart.

A pension of $10 per month was granted to Elvira M. Dorman, the only minor child of the late soldier, by a special act of Congress taking effect May 9, 1886. The petitioner asks that the pension be increased to $14 per month, on the ground that the soldier's widow is debarred of pension by reason of her second marriage, and that under existing laws the minor child is entitled to the full pension of $12 per month, which the widow would have received, and $2 per month, in addition thereto, for the said minor child.

It seems but just that the minor child of the soldier should be pensioned at the same rate as the minor children of other soldiers of similar rank.

Your committee therefore report a bill, and recommend the passage of the same.

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1179.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. CHANDLER, from the Committee on Naval Affairs, submitted the following

## REPORT:

[To accompany bill S. 653.]

This bill provides for the permanent employment of five assistant astronomers at the Naval Observatory, which is an increase of two over the present number, and it fixes the salaries of all as follows:

| | Per annum. |
|---|---|
| During their first three years of service | $1,800 |
| During their second three years of service | 2,100 |
| During their third three years of service | 2,400 |
| During their fourth three years of service | 2,700 |
| After their fourth three years of service | 3,000 |

The present salaries of two of the three assistant astronomers are $1,800 each and that of the third is $2,000, and there is no increase for length of service.

A better recognition of the services of the assistant astronomers has been repeatedly urged upon Congress. The Secretary of the Navy wrote the President of the Senate (Forty-eighth Congress, first session, Senate Ex. Doc. No. 85) a letter, dated February 4, 1884, as follows:

NAVY DEPARTMENT,
*Washington, February* 4, 1884.

SIR: I have the honor to transmit herewith a copy of a communication, dated the 2d instant, addressed to me by Rear-Admiral Shufeldt, Superintendent of the Naval Observatory (together with a letter and a memorandum from H. M. Paul, of the same date), in relation to the status of the assistant astronomers on duty at the Naval Observatory.

Three assistant astronomers are now authorized by law, for the pay of which the sum of $4,900 is appropriated by the legislative, executive, and judicial act.

The Department concurs in the views of the Superintendent, and recommends the passage of an act by Congress providing that the assistant astronomers at the Naval Observatory be *commissioned* as assistant astronomers, with the same rank, pay, and provision for retirement as that provided for assistant naval constructors in sections 1477, 1556, 1443, and 1444 of the Revised Statutes, and that the previous service of these assistant astronomers at the Naval Observatory, whether continuous or otherwise, be taken into account in reckoning their longevity pay, and that for any further appointments to, or to fill any vacancies in, the position of assistant astronomer at the Naval Observatory candidates shall be examined by a board of medical examiners and a board of professors of mathematics at the Naval Observatory, as to their physical and professional qualifications for the duties of an assistant astronomer, and

no candidate shall be appointed without a favorable report from these boards; and that these examinations shall be open to all who apply to the Secretary of the Navy for permission to appear before the said boards.

Very respectfully,

W. E. CHANDLER,
*Secretary of the Navy.*

Hon. GEORGE F. EDMUNDS,
*President pro tempore of the Senate.*

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UNITED STATES NAVAL OBSERVATORY,
*Washington, February* 2, 1884.

SIR: I respectfully ask your favorable consideration of the inclosed bill relating to the assistant astronomers at the Naval Observatory.

The history of the Observatory shows that the assistants have remained at the Observatory but a short time, not exceeding, on the average, three years, to the great injury of the work of the Observatory. The cause of this short service is the uncertainty of the position, the small pay, and the almost entire absence of any chance for promotion. The consequence is that other observatories soon offer better salaries and better positions to those who become known as efficient men.

The superior qualifications required of those who fill these positions render it necessary to attach better salaries to such positions.

Very respectfully,

R. W. SHUFELDT,
*Rear-Admiral, Superintendent.*

Hon. WILLIAM E. CHANDLER,
*Secretary of the Navy, Washington, D. C.*

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UNITED STATES NAVAL OBSERVATORY,
*Washington, D. C., February* 2, 1884.

SIR: In response to your request for a memorandum of the present permanent astronomical staff of the Naval Observatory, I have the honor to transmit the following:

The staff at present consists of the five professors of mathematics, Asaph Hall, J. R. Eastman, William Harkness, Edgar Frisby, and S. J. Brown; and the three assistant astronomers, A. N. Skinner, W. C. Winlock, and H. M. Paul.

(The corps of three assistant astronomers has been a part of the permanent staff of the Observatory for twenty-two or twenty-three years, so far as the salaries paid could offer sufficient inducements for a permanent occupancy.)

I would respectfully call your attention to the fact that ten years ago there were seven professors of mathematics engaged in active astronomical work at the Observatory instead of the five here at present, and that there are none of the corps outside the Observatory to take the places of the astronomers of the corps who are approaching the age of retirement.

I have also the honor to inclose a memorandum (corrected to date) of the persons who have served as assistant astronomers at the Observatory since its foundation, giving date of appointment, of resignation or promotion, and position for which they resigned or to which they were promoted. This shows that in the twenty-two or twenty-three years there have been, from a corps of three men, eleven resignations and only four promotions, and of the latter only one in the last nineteen years.

I would also respectfully call your attention to the fact that the salaries paid are much lower than in the other scientific branches of the public service where professional work of a similar grade is required.

Very respectfully, yours,

H. M. PAUL,
*Assistant Astronomer.*

Hon. WM. E. CHANDLER,
*Secretary of the Navy.*

*List of persons who have been assistant astronomers at the United States Naval Observatory.*

| Name. | Appointed. | | Subsequent position. |
|---|---|---|---|
| Asaph Hall..... | July —, 1862 | Promoted May 2, 1863..... | Professor of mathematics, U. S. Navy. |
| Wm. Harkness . | July —, 1862 | Promoted August 24, 1863.. | Do. |
| M. Springer..... | July 25, 1862 | Resigned July 16, 1864 ..... | |
| S. Welles ..... | Aug. —, 1862 | Resigned October, 1862 .... | Civil engineer, U. S. Navy. |
| J. R. Eastman... | Nov. 7, 1862 | Promoted February 17, 1865 | Professor of mathematics, U. S. Navy. |
| J. A. Rogers .... | July 9, 1863 | Resigned October 1, 1867... | In charge of department of instruments, Hydrographic Office, U. S. Navy. |
| M. H. Doolittle.. | Apr. 20, 1864 | Resigned January 1, 1870 .. | Assistant examiner, U. S. Patent Office. |
| Charles Thirion. | July 23, 1865 | Resigned May 1, 1869 ..... | Consular clerk in France. |
| Cleveland Abbe | Oct. 1, 1867 | Resigned June 1, 1868..... | Director of Cincinnati Observatory, now at the head of the Scientific Bureau of the Signal Service. |
| Edgar Frisby... | June 22, 1868 | Promoted June 11, 1878 .... | Professor of mathematics, U. S. Navy. |
| F. W. Bardwell . | May 1, 1869 | Resigned January, 1870 ... | Professor of astronomy, University of Kansas. |
| Ormond Stone .. | Mar. 28, 1870 | Resigned March 20, 1875.: | Director of Cincinnati Observatory, now director of the new observatory of the University of Virginia. |
| A. N. Skinner ... | Mar. 28, 1870 | ..... | |
| H. M. Paul..... | July 15, 1875 | Resigned August 31, 1880 .. | Professor of astronomy, University of Tokio, Japan, to fill a three years' contract. |
| H. S. Pritchett.. | Sept. 19, 1878 | Resigned February 1, 1880. | Professor of astronomy, Washington University, Saint Louis. |
| Miles Rock ..... | July 1, 1880 | Resigned October 31, 1880.. | Chief astronomer and engineer, commissioner of Guatemala Boundary Survey. |
| W. C. Winlock.. | Aug. 2, 1880 | ..... | |
| H. M. Paul..... | Nov. 1, 1883 | ..... | |

The professors of mathematics in the Navy on duty at the Naval Observatory, on February 9, 1884, wrote as follows:

The assistant astronomers at the Naval Observatory have rendered very important service for more than twenty years. They are required to be well versed in physics, mathematics, and astronomy, and their work demands a high quality of practical skill and knowledge. Notwithstanding the important character of their work, their positions have never been assured, but have depended from year to year on the chances of an appropriation. Except in rare cases they have soon accepted more lucrative positions elsewhere, leaving the Observatory when their services were the most valuable. Under the present arrangement there is no hope of promotion or increased pay, and the Observatory is continually losing the services of its well-trained assistants. It is very desirable that the Government should be able to select for these positions the most competent persons, and be assured of their continued service, and this can be effected only by making their positions permanent with a fair remuneration.

ASAPH HALL, *Professor Mathematics, U. S. Navy.*
WM. HARKNESS, *Professor Mathematics, U. S. Navy.*
J. R. EASTMAN, *Professor Mathematics, U. S. Navy.*
EDGAR FRISBY, *Professor Mathematics, U. S. Navy.*

U. S. NAVAL OBSERVATORY, *February* 9, 1884.

The House Committee on Naval Affairs on April 12, 1884, made a report (Forty-eighth Congress, first session, H. R. Report No. 1273) adopting the views of the professors at the Observatory, as follows:

*The Committee on Naval Affairs, to whom was referred the bill (H. R. 4782) to fix the positions of the assistant astronomers at the Naval Observatory, have had the same under consideration, and beg leave to submit the following report:*

The assistant astronomers at the Naval Observatory have rendered very important service for more than twenty years. They are required to be well versed in physics, mathematics, and astronomy, and their work demands a high quality of practical skill and knowledge. Notwithstanding the important character of their work, their positions have never been assured, but have depended from year to year on the chances of an appropriation. Except in rare cases they have soon accepted more lucrative positions elsewhere, leaving the Observatory when their services were the most valuable. Under the present arrangement there is no hope of promotion or increased pay, and the Observatory is continually losing the services of its well-trained assistants.

The committee think it desirable that the Government should be able to select for these positions the most competent persons, and be assured of their continued service, and this can be effected only by making their positions permanent with a fair remuneration.

Three assistant astronomers are now authorized by law, for the pay of which the sum of $4,900 is appropriated by the legislative, executive, and judicial act.

The committee recommend that the bill do pass.

In the report of the Secretary of the Navy for 1884 the Superintendent of the Observatory speaks as follows:

I respectfully urge that the estimate made for three additional computers and for the increase in the salaries of the assistant astronomers and the instrument-maker receive the favorable consideration of the Bureau. Inasmuch as the average term of service of the assistant astronomers is but three years, owing to the fact that more lucrative positions are offered to them, it would seem to be in the interest of economy that these gentlemen should be retained in the service of the Observatory by paying them such salaries as can be obtained by them from other parties, rather than to permit their trained services to be lost. The pay now received by these gentlemen is not an adequate remuneration for the services they render. The instrument-maker has a responsible position, and his familiarity with the requirements of the place, together with his attainments and long service, merit the increase which is submitted.

Very respectfully,

S. R. FRANKLIN,
*Commodore, Superintendent.*

Commodore J. G. WALKER, U. S. N.,
*Chief of Bureau of Navigation, Navy Department.*

In the report of the Secretary of the Navy for 1885 a later Superintendent urges action as follows:

The status of the assistant astronomers at the Observatory is a very unsatisfactory one. Their duties demand a high degree of scientific ability and long training, and their services grow more and more valuable with increase of time. Nevertheless, not only is there no provision for increase of pay, but their positions have never been assured, but have depended from year to year on the chance of an appropriation. As a consequence, they have generally soon resigned to accept more lucrative positions elsewhere, mostly directorships of observatories or professorships of astronomy in colleges and universities. Thus this Observatory loses their services when they have become the most valuable. In the twenty-four years that the assistant astronomers have been at this institution there have been from the corps of three eleven resignations and only four promotions, and of the latter only one in the last twenty years; facts which speak for themselves. It is respectfully urged that the Observatory should be able to offer sufficient inducements to secure the continued services of its trained assistants; and to that end I beg to recommend that they be recognized by statute as permanent attachés of the institution, with suitable and timely provision for longevity pay. The pay these gentlemen are now receiving is not an adequate compensation for the attainments they bring to their work, nor for the diligent and valuable service they render.

* * * * * * *

Very respectfully,

GEO. E. BELKNAP,
*Commodore, U. S. N., Superintendent.*

Capt. J. G. WALKER, U. S. N.,
*Chief of Bureau of Navigation,*
*Navy Department, Washington, D. C.*

The present Secretary of the Navy, Mr. Whitney; the present Superintendent of the Observatory, Capt. R. L. Phythian; and the Chief of the Bureau of Navigation, Commodore J. G. Walker, have reiterated the recommendations of previous officials, as follows:

NAVY DEPARTMENT, *Washington, April* 17, 1888.

SIR: Referring to your request for an expression of the views of this Department, including those of the Superintendent of the Naval Observatory, relative to the legislation proposed in the bill (S. 653) "Defining the positions and salaries of assistant astronomers at the U. S. Naval Observatory, and for other purposes," I have the honor to inclose herewith a copy of a letter on this subject from the Superintendent of the Observatory, and of an indorsement thereon expressing the views of the Chief of the Bureau of Navigation, the Observatory being under the direction of that Bureau.

It will be observed that the chief of the Bureau suggests a change in the bill relating to the constitution of the examining board provided for in section 3, the effect of which would be to leave the Secretary of the Navy at liberty, in organizing the board, to exercise his discretion by selecting a professor of mathematics and a naval officer or a civilian, not at the time on duty at the Observatory, as members of the board, instead of confining such selection to professors of mathematics, in addition to one assistant astronomer, actually engaged in the performance of duty at the Observatory when such board is organized. An amendment of this character would not, in my judgment, materially affect the merits of the bill, for the reason that, in organizing a board for the examination of candidates for appointment as assistant astronomers, the Secretary would be enabled to so organize such board as to secure the services of the persons best fitted, in his judgment, for the discharge of the important duty devolved upon it.

Referring to the merits of the bill as a whole, I am of opinion that the provisions which it contains, looking to a permanent retention of their positions by assistant astronomers, are calculated to induce applications for that position from persons more thoroughly qualified for its duties than those who would be content to take the position without the inducement afforded by a graduated compensation which will increase in proportion to the length of service. I would suggest, however, in order that there may be a suitable control over such appointees, that they be designated and classed as officers of the staff corps of the Navy, or else that provision be made for their removal, in case the same shall, in the opinion of the Secretary of the Navy, be required by a due regard for the public interests, upon the recommendation of the Superintendent of the Observatory and a majority of the professors of mathematics on duty at that institution, when such removal is recommended.

The bill, as a whole, is, in my judgment, eminently calculated to benefit this branch of the public service and, subject to the suggestions above stated, meets my cordial approval.

Very respectfully,

W. C. WHITNEY,
*Secretary of the Navy.*

Hon. EUGENE HALE,
*Committee on Naval Affairs, United States Senate.*

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U. S. NAVAL OBSERVATORY,
*Washington, March* 13, 1888.

SIR: In compliance with your wish, expressed in a letter to the honorable Secretary of the Navy, dated February 27, 1888, I beg to submit my views upon Senate bill No. 653:

A high order of scientific attainments and practical skill is required for the efficient discharge of the duties devolving upon assistant astronomers attached to the Observatory, for which the compensation should be adequate.

Since their usefulness increases with experience, measures should be taken to prevent the loss of their services just at the time when they become most valuable. This can be done only by making the positions more permanent, and by increase of salary with length of service; otherwise, as they become known, they are induced to accept more desirable places in colleges or observatories, where they will be appreciated.

In my opinion the enactment of a law embodying the provisions of this bill would be most beneficial to the Observatory, and would be a just recognition of the services of a valuable corps of officers.

I have the honor to be, very respectfully,

R. L. PHYTHIAN,
*Captain, U. S. N., Superintendent.*

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
UNITED STATES SENATE.

BUREAU OF NAVIGATION, *March* 14, 1888.

Respectfully forwarded to the honorable Secretary of the Navy:

The services of the additional assistant astronomers contemplated by this bill will be of great advantage to the work of the Observatory.

The bill proposes a very considerable increase of pay, but perhaps not too much.

I would suggest that line 6, section 3, of the bill be stricken out, and that the examining board should consist of one professor of mathematics, one assistant astronomer, and one ether person, either naval or civilian, at the discretion of the Secretary of the Navy.

It is well to have some latitude in the selection of this board, and it may well happen that the man best fitted for the duty of examining candidates for assistant astronomers might not be on duty at the Observatory.

The assistant astronomers should not be considered as officers of the Navy, but subject to appointment and removal by the Secretary.

The bill and the letter of the acting chairman of the Committee on Naval Affairs of the Senate are herewith returned.

J. G. WALKER,
*Chief of Bureau.*

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NAVY DEPARTMENT, *Washington, May* 1, 1888.

SIR: In reply to your telegram of yesterday, relative to the need for two additional assistant astronomers at the Naval Observatory, and the work in which they will be engaged, I have the honor to state as follows:

Twelve or thirteen years ago there were seven professors of mathematics engaged in active astronomical work at the Observatory, and the same number of assistants as at present; now there are only three professors of mathematics so engaged. As a consequence, the amount of work done, instead of increasing with the natural growth and demands of astronomy, has steadily diminished, and, moreover, the reduction and preparation for the printer of that which has been done has fallen further and further behind, until publication is now more than *four years* behind observation.

The Observatory is about to undertake a new series of observations, which will extend over several years. This work covers so wide a field that it has been divided up among several national observatories, and its importance is such, that the Naval Observatory can not well decline to assume its proper share of the observations. In order that it may be properly done, the Observatory needs the services of at least five assistant astronomers.

Very respectfully, your obedient servant,

W. C. WHITNEY,
*Secretary of the Navy.*

Hon. W. E. CHANDLER,
*Committee on Naval Affairs, U. S. Senate.*

From the foregoing recital the following summary may be made: A corps of three assistant astronomers, formerly called "aids," and still later "assistant observers," has, for nearly twenty-seven years, been a part of the permanent staff of the Naval Observatory, receiving limited salaries, which have offered no sufficient inducement for permanent service.

These officers have made, in turn, from day to day, essential observations with the fundamental astronomical instruments of the Observatory, their duties have demanded a high degree of scientific ability and long training, and their services have grown more and more valuable with increase of time. Nevertheless, not only has there been no provision for any increase of their pay or for their promotion with length of service, but their positions have never been assured, and have depended from year to year upon the chance of an appropriation. As a consequence, the assistants have generally resigned to accept more lucrative positions elsewhere, mostly directorships of observatories or professorships of astronomy in colleges and universities.

Under this system the Observatory loses the services of its observers when they have become the most valuable. In the twenty-seven years during which the corps of three has been a part of the working staff of the institution there have been eleven resignations and only four promotions, and only one of those promotions has occurred in the last twenty-three years. This record shows that the assistant astronomers are practically cut off from either increase of pay or promotion to the corps of professors of mathematics in the Navy.

With the increasing developments in the methods of astronomical research, especially in the direction of photography, with the extra

labor that will soon be required in the removal of the present instruments and their installation, together with new ones, upon the new site of the institution, and with the older professors of mathematics attached to the Observatory approaching the age of retirement, it becomes absolutely essential for its future well-being, not only that there may be a certainty of retaining the services of the present skilled assistants, but that the corps be increased in number as provided in the bill, and that the Navy Department may be able to hold out sufficient inducements to secure in all new appointees a high grade of ability, and to keep them as long as the public interests may require in the permanent service of the Government.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1180.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition of Isaac Fowler.]

*The Committee on Pensions, to whom was referred a petition of Isaac Fowler, asking for a pension of $8 a month, have examined the same and report:*

The petitioner enlisted in October, 1861, in Company G, Twenty-sixth Regiment Kentucky Volunteers, at the age of fifty-four, and was discharged the following July by a certificate which states that he had been unfit for duty for the preceding four months, occasioned by "general debility on account of age." The petitioner filed a declaration for pension in March, 1881, alleging chronic diarrhea and disease of the lungs, and the claim, after a large number of special examinations to gather testimony, was rejected.

The record shows that a physician, who knew petitioner before enlistment, certified that he "never was healthy; had a hacking cough. He applied to me two years ago for a certificate, but I refused." The surgeon of the regiment does not recollect that petitioner suffered from any particular ailment, and states to petitioner that he could not "make a certificate that would benefit him in the least."

A captain of petitioner's company, afterwards promoted to be colonel, while acquainted, failed to recall the sickness alleged in the declaration; and the same substantially may be said of the testimony of the first lieutenant, who was captain at petitioner's discharge, and of that of the first sergeant. It was evidently a case of improper enlistment of a man already broken down by age and other infirmities.

The petitioner, according to the testimony in the case, has no claim against the Government, and the committee report unfavorably upon the petition and ask to be discharged from its further consideration.

O

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1181.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany petition in behalf of Hugh B. Glass.]

*The Committee on Pensions, to whom was referred the petition praying that Hugh B. Glass be granted an increase of pension, have examined the same and report:*

Claimant enlisted in Company C, Sixth Illinois Volunteer Cavalry, March 10, 1865, and was discharged September 22, 1865. He was granted a pension at the rate of $8 per month from the date of his discharge from the service to February 4, 1874, when his pension was increased to $14 per month, and to $16 per month from April 30, 1878; to $18 per month from February 6, 1880; to $24 per month from October 11, 1882, and to $30 per month from March 3, 1883, his disability being injury of back, received in the service and in the line of his military duty. He was reduced to $16 per month from December 4, 1885.

A petition, signed by D. L. d'Elysie, A. T. Mobley, J. C. Helm, John McBride, B. F. Clarke, G. W. Smith, J. W. Farris, C. W. Brinnen, and others, of Massac County, Ill., is presented, with a view to having claimant's pension restored to $30 per month, for the reason that he is not able to earn his living by manual labor.

In his application for increase of pension, filed February 26, 1886, claimant states that his injury to back has resulted in a loss of hearing. In application filed February 5, 1887, claimant states that his disability is equal to the loss of a hand or a foot, and he is not able to earn his living by manual labor.

In affidavit filed September 23, 1886, F. U. Crider, of Massac County, Ill., testifies that claimant is unable to do anything to obtain a living, and is now in destitute circumstances, dependent upon the charity of his neighbors.

The action of the Bureau of Pensions in reducing claimant to $16 per month is based upon examinations of two boards of United States surgeons, recently made in the claim.

The evidence does not seem to warrant favorable action, and your committee therefore report adversely.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1182.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. PADDOCK, from the Committee on Pensions, submitted the following

## REPORT:

*The Committee on Pensions, to whom was referred the petition of Dr. Frederick Robertson, praying that an increase of pension to $30 per month be granted him, have examined the same and report:*

Claimant served under contract as acting assistant surgeon U. S. Army, at Warsaw, Mo., from October 18, 1861, to November 17, 1861; in the field from April 3, 1862, to May 17, 1862; again at Warsaw, Mo., from October 18 to November 17, 1862; in the field or in hospital from December 9, 1862, to January 3, 1863, and from April 16, 1863, to July 1, 1863. He was granted a pension at the rate of $17 per month by a special act of Congress approved February 2, 1887.

The present claim is for an increase of pension to $30 per month. No evidence has been filed since the claim was allowed showing an increase of claimant's disabilities, hence there is nothing in the case to warrant further action, and your committee therefore report adversely.

O

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1183.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill S. 2278.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 2278) to provide for the improvement and enlargement of the public building at Petersburgh, Va., respectfully recommend that the word "fifty" be stricken out, in line 3, and the word "thirty" inserted, so as to make the appropriation $30,000, and that the bill so amended do pass.

The Supervising Architect of the Treasury reports favorably upon the bill, and your committee think that $30,000 economically expended ought to meet the necessities of the case.

The appended communications show that there is need for the appropriation hereby recommended.

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UNITED STATES POST-OFFICE,
*Petersburgh, Va., March* 8, 1888.

SIR: Replying to yours of the 5th instant, I beg to say, the post-office floor occupies 2,269 square feet, subdivided as follows, viz, 827 square feet are taken up by the stairway to the upper floors, and by corridors for the accommodation of the public and receiving and handling the mail; 424 square feet are cut off for offices for the postmaster and assistant postmaster; 1,008 square feet are devoted to the purposes of the post-office proper.

The various partition walls, of course, curtail this space for practical purposes.

In answer to your second question, I would say that this space is not sufficient for a satisfactory handling of the mails, a large stove in the center of the post-office room taking up an important part of it.

If an addition of two rooms to the south of the building (for which there is sufficient space owned by the Government) were made of the size of those now occupied by the postmaster and assistant postmaster, it would, in my opinion, give a plenty of room for post-office purposes. By taking down the present partition walls and throwing these two rooms in with the present post-office room it would be sufficiently large.

In reply to question 3, the gross receipts of the office for 1877 were $15,115.50 and for 1887, $21,195.79, being an increase of 40 per cent., and if we take into consideration the fact that the price of letter postage in 1877 was 3 cents and in 1887 2 cents (the sales of letter-stamps comprising about one-half of the income of the office), the income of the office would have been for 1887 about $5,000 more, or an increase of 73 per cent. had the price of stamps remained the same as in 1877.

In view of the recent growth in business and population of the city, I think it is fair to say that the income of the office will, in the next ten years, be from 50 to 100 per cent. greater.

To question 4. The number of employés is 13.

To question 5. This is a Government building.

To question 6. Customs office and internal-revenue departments occupy the two upper floors of the building, and these floors are of the same dimensions as that used by the post-office.

Question 7 is answered under head of No. 5.

Yours, very respectfully,

J. R. PATTERSON,
*Postmaster.*

WILL. A. FRERET, Esq.,
*Supervising Architect, Washington, D. C.*

P. S.—I take the liberty to call your attention to the condition of the property.

The heating arrangements are faulty, cumbersome, and dangerous. I think instead of a stove in the post-office room, it should be heated from below.

The water-closets are not connected with the building and are in bad condition.

The front steps have settled greatly, are bad and unsightly.

The north or front wall of the yard is badly out of plumb and if not repaired soon may fall out.

Very respectfully,

J. R. PATTERSON,
*Postmaster.*

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UNITED STATES INTERNAL REVENUE,
COLLECTOR'S OFFICE, SECOND DISTRICT VIRGINIA,
*Petersburgh, March 9, 1888.*

DEAR SIR: In compliance with your request for information as to the statistics of this office, I have to state that during the last seven years, 1881–'87, the exports of manufactured tobacco through the Petersburgh internal revenue office amounted, in round numbers, to 31,600,000 pounds, an average of about 4,500,000 per year. The exports for the last three years, 1885–'87, were 13,339,104 pounds, an average of 4,446,368 pounds per year.

The internal revenue collections at Petersburgh during the seven years, 1881–'87, were $5,586,389.

It is proper to state in this connection that the main office of this collection district was located in Petersburgh until June, 1885.

The actual revenues through this office, coming from the city proper since that date, are as follows:

| | |
|---|---|
| June 1 to December 31, 1885 | $214,503.51 |
| January 1 to December 31, 1886 | 354,007.92 |
| January 1 to December 31, 1887 | 511,899.98 |
| Total for two years and seven months | 1,080,411.41 |

The exports and receipts for the current year, as shown by the business of the past two months, evidence a favorable comparison with the foregoing figures.

Very respectfully,

JNO. M. PLEASANTS,
*Deputy Collector Internal Revenue.*

Capt. J. R. PATTERSON,
*Postmaster, Petersburgh, Va.*

50TH CONGRESS, 1st Session. } SENATE. { REPORT. No. 1184.

# IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, submitted the following

## REPORT:

[To accompany bill S. 2277.]

The Senate Committee on Public Buildings and Grounds, to which was referred the bill (S. 2277) "to provide for the extension of the public building at Lynchburgh, Va.," respectfully report the same with the recommendation that it be amended by striking out "fifty," in line 3, and inserting "thirty," so as to make the sum appropriated $30,000; and that the bill so amended do pass.

The Supervising Architect of the Treasury reports that additional accommodations are necessary.

The public building at Lynchburgh requires accommodations for the United States courts, the post-office, and internal-revenue offices; and the signal service, if there were room, could be judiciously accommodated therein also. At present quarters for it are rented in the city, there being no room provided for it in the public building.

The appended letters from T. D. Jennings, esq., postmaster at Lynchburgh, Va.; H. Shepherd, esq., collector; Wyatt M. Elliott, esq., clerk of United States courts, and C. M. Blackford, esq., a leading member of the Lynchburgh bar, show the existing needs for an increased appropriation.

It is thought that $30,000 ought to supply them, with economical expenditure, and hence that sum is recommended.

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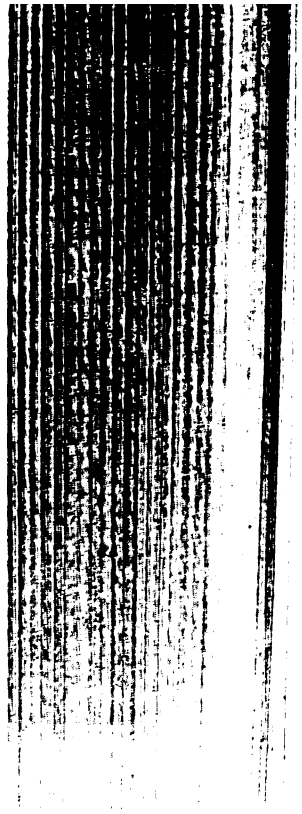
LYNCHBURGH, *February* 20, 1888.

Hon. JOHN W. DANIEL:

DEAR SIR: I inclose you letters addressed to me by Ham. Shepperd, collector of internal revenue; T. D. Jennings, postmaster; General Wyatt Elliott, clerk of United States court; all of which prove that the present public building of this city is entirely insufficient to meet the demands which even now must be made upon it, and that no provision has been made for the increase of business incident to the growth of so progressive a community as this.

I became interested in the subject because of the fact that as the chairman of a committee of the bar, appointed to secure a room in the new building for a public law library, for the use of the judges, officers, and solicitors practicing in the United States court, I was informed that no such room could be had, and that the accommodations for the court would not be as ample as in the apartments now used by it. I then thought that some room could be obtained from the space allotted to the other business to which the house is devoted but to my astonishment found that the post-office has less space allotted to it than it now has in the old building, and that the department of internal revenue was in the same condition. I then made inquiries, and found that an addition could be made to the building without the further purchase of land, which, without any very great outlay, would increase the ac-



All considered, I doubt whether the Government would err in authorizing such addition to the building, now nearly completed, as would avoid both present and future inconvenience.

Very respectfully,

WYATT M. ELLIOTT,
*Clerk U. S. Courts.*

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OFFICE OF THE CHIEF SIGNAL OFFICER,
*Washington, D. C., March 26, 1888.*

DEAR SIR: Referring to your communication of 23d instant, requesting an expression of opinion regarding the desirability of obtaining quarters for the signal office at Lynchburgh, Va., in the public building in course of completion in that city, the Chief Signal Officer desires to state that this service is at present under an expense of $150 per annum for the rent of an office at that place, and that on the first July next, in consequence of alteration in the building, part of which is now occupied by this service, the rent will be further increased. In view of these facts, the Chief Signal Officer would be much gratified if suitable rooms could be obtained in the public building for the use of the Signal Service. A reduction would thereby be effected in the expenses of the service, and, in consequence of the future permanency of location, better arrangements could be made as regards the position and arrangement of instruments, office furniture, etc.

Hoping that you may find it possible in the interests of this service and of economy to aid in procuring rooms in the public building, I am,

Very truly, yours,

A. W. GREELY,
*Chief Signal Officer.*

Hon. JOHN W. DANIEL,
*United States Senate.*

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1185.

# IN THE SENATE OF THE UNITED STATES.

MAY 2, 1888.—Ordered to be printed.

Mr. FAULKNER, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 987.]

*The Committee on Claims, to whom was referred the bill (S. 987) for the relief of the administrator of the estate of Isaac P. Tice, deceased, have carefully examined the same and report:*

This claim has been presented to the Forty-eighth and Forty-ninth Congresses, and a favorable report was made in both Congresses by the Senate Committee on Claims, and also by the Judiciary Committee of the House of Representatives. The facts upon which the claimant rests his right to relief from Congress are so fully and ably presented in the reports made by the Committee on Claims of the Senate and the Committee of the Judiciary of the House, that the committtee has adopted both of the said reports as clearly presenting the rights of the claimant to relief.

They are as follows:

*The Committee on Claims, to whom was referred the bill (S. 1607) for the relief of the administrators of the estate of Isaac P. Tice, deceased, submit the following report:*

That Isaac P. Tice, above named, was the inventor and patentee of a spirit meter, which was adopted for use in collecting the internal-revenue tax on spirits by the Secretary of the Treasury and the Commissioner of Internal Revenue, April 17, 1867. Their authority for so doing is contained in section 15 of the act of Congress of March 2, 1867.

By their contract of April 17, 1867 (renewed September 16, 1868), the Secretary of the Treasury and the Commissioner of Internal Revenue fixed the price of the meters which were to be manufactured and supplied by Tice, provided that they should be attached to distilleries and paid for by distillers—the price to be paid by the distiller by depositing with the collector of internal revenue for his district a certificate of deposit payable to the order of Isaac P. Tice, this certificate to be forwarded to Tice through the Bureau of Internal Revenue when the meter should be attached. The contract also provided that on its suspension or abrogation Tice should be paid by the Government for such meters as he should have on hand or in process of manufacture, not exceeding twenty sets.

The contract, so far as the manufacture of meters was concerned, was suspended June 8, 1870, and finally canceled absolutely June 8, 1871. On June 8, 1870, Tice had on hand about fourteen and one-half sets of meters in process of manufacture. He also had due him for meters delivered prior to that time a large sum of money, which has never been turned over to him by the Treasury, although paid in to collectors by distillers. The meter itself is said to have been of great value in increasing the revenue from spirits.

Tice, after the final cancellation of his contract, spent some time in trying to get his claim allowed in the Department until his premature death in 1875. His attorney, Mr. E. N. Taft, of New York, became unable about the same time, by reason of the failure of his health, to attend to any business, but the papers and data pertaining to

Tice's claims remained in his office until about 1880, when they were obtained by the present administrators to aid in the presentation of the present bill for relief, etc.

In the mean time an attempt was made in the name of the estate by a former administrator, without possession of the proofs in Taft's custody, to establish a claim for the "meters on hand," which claim was defeated in the Court of Claims on the law and failure of proof of fact. (See C. Cls. R., p. 112.) The United States Supreme Court, however, held, on appeal, that the court below erred as to the law, but affirmed for failure of proof. (See 99 U. S. R., page 287.) Such proofs and means of proof have since come to light, and have been submitted to this committee.

The present bill permits the claimants to prosecute in the Court of Claims on the whole of their claims, and freed from the bar of the statute of limitations.

This committee thinks that the laches, or apparent laches, of the claimants have been fairly accounted for, and that the present bill gives nothing but what exact justice to the Government will permit, to wit, a day in court on the whole case upon the merits in law and equity.

The Committee on the Judiciary of the House of Representatives at the present session of Congress have made favorable report upon a House bill identical in language with the one under consideration. The report is so full and complete, and such a satisfactory showing, that your committee hereunto annex the said report, omitting, however, the exhibits attached thereto, being as follows: Letter, with accompanying statements, showing amounts received for account of Tice, from Hon. Green B. Raum, Commissioner of Internal Revenue, to the Secretary of the Treasury, dated February 9, 1883, and affidavits of the following parties, showing number of meters on hand in June, 1870, viz, W. J. Cotter, jr., Jesse B. Badeau, C. F. Mead, and Francis W. Clark. Reference is hereby made to said exhibits, which are important, and will be found in Report No. 1972, present session House of Representatives.

Your committee concur with the House Committee on the Judiciary in recommending the passage of the bill.

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*The Committee on the Judiciary, to which has been referred House bill 5092, beg leave to report:*

Isaac P. Tice invented a meter which, when attached to a distillery, measured the quality and strength of spirits distilled. It was adopted under the act approved March 2, 1867 (14 United States Statutes, 481).

The facts of the case and the law arising thereon are fully stated by Mr. Justice Harlan in the case of Tice *vs.* United States in the Supreme Court (92 United States Reports, 286) on appeal from the decision of the Court of Claims (13 Court of Claims Reports, 112).

The committee can not do better than insert the whole judgment of the Supreme Court, which is as follows:

"By an act approved March 2, 1867 (14 Stat., 481), the Secretary of the Treasury was authorized to 'adopt, procure, and prescribe' for use hydrometers, weighing and gauging instruments, meters, or other means for ascertaining the strength and quality of spirits subject to tax, or for the prevention or detection of frauds by distillers of spirits.

"On the 18th April, 1867, the Secretary adopted the Tice meter, and prescribed its use in distilleries, upon certain agreed conditions fully set forth in a letter to the inventor. Among those conditions were these: 'The Secretary of the Treasury holds himself at liberty at any time to adopt any improvement or modification of the meter or system, or at any time to revoke the order adopting the meter, and to discontinue their manufacture on behalf of the Government. If the first meter shall prove successful when subjected to the test above set forth, and the Government shall subsequently revoke the adoption of the meter and order a discontinuance of proceedings, you will be paid such sum as may be determined upon in the manner hereinafter stated, for all instruments which you may have completed, or have in process of completion at the time of revocation; provided that at no time shall you have more than twenty sets in process of manufacture at any one time, unless directions shall be given hereafter for the manufacture of a larger number.

"By join resolution passed February 3, 1868, Congress directed the appointment, by the Secretary of the Treasury, of a commission which, in connection with the then existing commission of the Academy of Science, should examine all meters and mechanical contrivances or inventions presented to them which were intended to measure, test, and ascertain the productiveness of grain or other articles prepared for distillation, at the actual quantity and strength of distilled spirits subject to tax, produced therefrom, the result of such examination to be communicated to Congress. The act declared 'that *pending* the action of said commission, and *until* their report be made, and a meter shall by law be adopted, all work on the construction of meters, under the direction of the Treasury Department, be and is hereby *suspended*.' 'And *in the mean* time no further contract shall be made by the Secretary of the Treasury under the act of March 2 1867.

"By an act approved July 20, 1868 (15 Stat., 125), power to 'adopt and prescribe' meters was conferred upon the Commissioner of Internal Revenue. That officer, on September 16, 1868, decided to adopt and prescribe the Tice meter, and upon certain conditions, to which the inventor assented, he directed the latter 'to proceed with their construction.' Among the conditions were these:

"*Third.* The 117 meters now finished will be immediately made ready for delivery and 36 now in process of manufacture will be completed as soon as possible. The manufacture of others, to the number of 500 in all, is to be proceeded with as rapidly as possible, and thereafter not more than twenty sets are to be in process of construction at one time, unless a greater number is directed by the Commissioner of Internal Revenue.

"*Fourth.* The Commissioner reserves to himself, or his successor in office, the right at any time to adopt any improvement of the meter or system, or to revoke the order adopting the meter, and to direct on the part of the Government a discontinuance of its manufacture."

On the 7th June, 1870, the Commissioner ordered the discontinuance of that kind of Tice meter known as the second or "credit" meter, and required distilleries to use thereafter the Tice sample meter, and the Tice automatic meters adapted for use as sample meters.

On the succeeding day, June 8, 1870, the Commissioner addressed to Tice a letter, in which, among other things, he gave notice that instructions and regulations in force prior to October 8, 1869, "relating to the ordering and shipment and payment for the meters invented by you and prescribed for use in distilleries, remain in force only in respect to meters heretofore delivered, and also those you may now have on hand, or in process of construction, not exceeding twenty sets." In that letter the Commissioner further says: "Any regulations heretofore prescribed, addressed to you by or from this office, directing or authorizing you to construct, or proceed with the construction of, or to furnish, meters, especially those of September 16, 1868, are revoked, except as aforesaid. New rules, regulations, and orders have been prescribed, a copy of which is herewith inclosed, it being distinctly understood that neither the Government of the United States nor any Department or officer thereof is or will be responsible for or on account of any spirit meters, or the attachment or adjustment thereof."

By a formal order made on June 7, 1871, the further use of Tice's spirit meters was finally discontinued, and all existing orders prescribing the same were revoked. At the date of that order Tice had on hand 14½ sets of meters, worth $25,000, for which sum, and for the storage up to April 8, 1873, the estate of Tice rendered an account against the Government on the 12th of April, 1873. The account was approved by the then Commissioner, but payment being refused, this action was brought against the Government for the recovery of the sum claimed.

From a judgment in the Court of Claims in favor of the Government this appeal is prosecuted.

We concur with the learned counsel for appellants in the proposition that the contract made on the 18th of April, 1867, by the Secretary of the Treasury with Tice was not abrogated by the joint resolution of February 3, 1868. By the terms of the resolution it was only suspended until final action by the commission, whose report was designed as the foundation of a statute which would designate the kind of meters which should be adopted. But express authority to make a new contract was conferred by the act of July 20, 1868, upon the Commissioner of Internal Revenue. That officer was empowered to adopt and prescribe for use such hydrometers, saccharometers, weighing and gauging instruments or meters as he might deem necessary. The extent of the authority intended to be conferred upon him as manifested by the third section of the act of July 20, 1868, which required every owner, agent, or superintendent of a distillery to furnish and attach, at his own expense, such meter as the Commissioner might adopt and prescribe for use. It was by virtue of its provisions that the agreement of September 16, 1868, was made. And, according to any fair construction of its terms, in the light of attendant circumstances, the Government was bound, as under the agreement of September 18, 1867, to pay for such sets, not exceeding twenty, as Tice might have on hand at the time their use should be discontinued. The provision to that effect in the contract of April 18, 1867, is so reasonable and just that we shall not presume that the contract of September 18, 1867, was intended to establish a different rule of compensation to the inventor. But we do not perceive, however, that all this justifies the conclusion that the Government was under any legal obligation to pay for the meters which Tice had on hand on June 8, 1871, and for the value of which the account in question was presented. By the express words of the agreement of September 18, 1868, the Commissioner had the right at any time to revoke the order adopting the meter, and to direct the discontinuance of its manufacture on behalf of the Government. That power was partially exerted by the order of June 7, 1870, which dispensed with the further use of all Tice meters, except the sample meters or the automatic meters adopted for use as sample meters.

But the power of revocation and discontinuance was fully exerted by the sweeping order of June 8, 1870, which, reserving the rights of Tice as to all meters theretofore

delivered, and as to such as were then on hand or in process of construction, not exceeding twenty sets, revoked all previous regulations which directed or authorized the inventor to construct, or proceed with the construction of, or to furnish, meters, and especially the regulation of September 16, 1868. By that order distinct notice was given to the patentee that neither the Government of the United States nor any Department or officer thereof was or would be responsible for or on account of any spirit meters, or the attachment or adjustment thereof. The order of June 8, 1870, did not, perhaps, discontinue the use of meters altogether, but it clearly furnished notice that the patentee could not look to the Government for protection or re-imbursement as to any meters *thereafter* constructed by him and used by distilleries. The meters for which the account was rendered were on hand on June 8, 1871, when all existing orders prescribing the same for use were absolutely revoked and the further use of Tice meters discontinued. Had they been on hand and in the process of construction at the date of the order of June 8, 1870, we would not doubt the liability of the Government for their value. But no such fact is found, and we suppose no such fact could have been established.

"While we do not agree with the court below in all the reasons assigned in support of the conclusion reached, we think its judgment is in accordance with the law, and it is affirmed."

It thus appears that had the claimant's administrator proved that Tice had the 14½ meters on hand on the 8th of June, 1870, the recovery would have been allowed.

It will be seen that the estate of Tice presented this claim to the Government April 12, 1873, which was approved by the then Commissioner, but not paid. This fact shows that Tice had died before that date. His attorney became ill, and the papers of the attorney were in such confusion as to disable the administrator of Tice to get at the facts which were evidenced by the papers. And it seems that the case was supposed to turn upon the question whether the meters were on hand in July, 1871, and not at the prior date of June 8, 1870. They were no doubt on hand in July, 1871, and the only question is, under the decision of the Supreme Court, were they on hand in June, 1870?

Depositions have been laid before the committee of four witnesses to supply this proof, and are persuasive to that result; and the question remains, shall the administrator be allowed a hearing in the Court of Claims, where he may establish this fact?

There is no sufficient ground, perhaps, accounting for the failure to prove this fact, to induce a court to award a new trial, even were a motion made for the purpose in due time. But your committee do not think that the leave should be denied by the Government when there may be proof furnished to establish a just claim under contract by a citizen against it. Where there is no fraud, and the evidence may be sifted by a court, your committee sees no danger to result from allowing a rehearing at all comparable with the injustice of denying it to a real creditor of the Government, and under these circumstances such relief should be extended to the claimant.

A second claim for about $140,000 is now presented, based upon the alleged fact that the Commissioner of Internal Revenue, by an order in January, 1869, directed the collectors to take the certificates of deposits in the collector's name from the distilleries for the price of the meters furnished, instead of making them payable to Tice. Thus the collectors of the Government intercepted the funds due to Tice, and much due to him was paid into the Treasury.

The Government thus assumed a quasi fiduciary relation to Tice, receiving his moneys with a liability to account to him. This being so, and no account with him having been had, and no tender by the proper officer, as far as appears, to do so, it is not a proper case for the Government to insist upon lapse of time, or any limitation to protect itself against the just demand of one whose money the Government has received, intercepted, and withholds, especially where all the papers and evidences of claim are in the hands of the Government, and not in those of the claimant. If the Government has his money there is no just reason why he should not be allowed in its Court of Claims to assert his right and prove from the records of its office the amount it has so received and withholds from him.

The letter of the late Commissioner Raum is hereto annexed, and the account of moneys admitted to have been collected on his account. They show that the Treasury holds his money, and there is no just reason why Tice's administrator should not receive it upon due proof.

Your committee therefore report the bill referred, with a recommendation that it do pass.

Your committee also annex the depositions of Badeau, Cotter, Mead, and Clark.

All of which is respectfully submitted.

The committee would, therefore, report Senate bill 987 favorably, with the recommendation that it do pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1186.

# IN THE SENATE OF THE UNITED STATES.

MAY 2, 1888.—Ordered to be printed.

Mr. PASCO, from the Committee on Claims, submitted the following

# REPORT:

[To accompany bill S. 750.]

*The Committee on Claims, to whom was referred the bill (S. 750) for the relief of Pearson C. Montgomery, of Memphis, Tenn., having considered the same, respectfully submit the following report thereon:*

This claim has been twice considered by the Committee on Claims, in the Forty-eighth Congress and the Forty-ninth, and each time with the same result and in the same language as to the merits of the claim. The present committee, with a small change in correcting dates and figures, adopt the former report prepared by the late Mr. Pike, of New Hampshire, as No. 332 in the Forty-eighth Congress, and No. 34 in the Forty-ninth. It reads as follows:

[Senate Report No. 332, Forty-eighth Congress, first session.]

*The Committee on Claims, to whom was referred the bill (S. 896) for the relief of Pearson C. Montgomery, having considered the same, beg leave to make the following report:*

On the breaking out of the rebellion, Pearson C. Montgomery, of Memphis, Tenn., was the owner of the steamer *New National*, of about 480 tons burden, and was engaged in regular business with said boat on the Mississippi River.

At the outbreak of the rebellion she was impressed by the Confederates into their service without and against the consent of Montgomery, as he alleges. She continued in the service of the Confederates from that time to June 6, 1862, when Memphis was captured by the Union forces. She was at Memphis on that day under orders from the Confederate authorities to proceed down the river. Said orders were not obeyed, but after the fight Chief Clerk Nicholas M. Johnson, under the direction of said Montgomery, as he alleges, went on board the monitor *Benton* and delivered the *New National* to Admiral Davis, and Capt. Alexander Grant, of the Navy, was immediately placed in command of her, and she entered upon the service of the United States with the full consent of said Montgomery, as he alleges.

She continued in said service from June 6, 1862, to March 20, 1863, a space of two hundred and eighty-eight days, at the expiration of which time she was turned over to said Montgomery by the order of the Secretary of the Treasury, and thereupon he chartered her for one year to Admiral Porter, at the rate of $50 a day, and for a second year at the rate of $65 a day.

The said Montgomery now asks that he be paid at the rate of $50 a day for the two hundred and eighty-eight days the *New National* was in the service of the United States, under the command of Captain Grant, amounting to the sum of $14,400.

While the *New National* was so held, and before March 20, 1863, she was libeled in the United States district court for the southern district of Illinois, under the act of Congress of July 13, 1861, entitled "An act further to provide for the collection of duties on imports, and for other purposes."

December 17, 1862, the district attorney for the southern district of Illinois, L. Weldon, wrote to the Solicitor of the Treasury as follows:

"A few days since I obtained in the district court of this district a decree of condemnation against two steamers, the *Kentucky* and the *New National*. The ground

of condemnation is that they carried on traffic in violation of the act of July 13, 1862, and the President's proclamation of August 16, 1861.

"The claimants have given notice of appeal to the circuit court, and intend, also, to make an appeal to the Treasury Department for remission of the penalty. My judgment is that, in the case of the *New National* especially, no relief should be given.

"The claimant has taken an oath of allegiance to the rebel government, and made some statements, as shown by the testimony, tending to show him at heart a disloyal man. The testimony on which he predicates his defense is taken without cross-examination and without any evidence as to the truthfulness of his witnesses.

"I have taken great trouble and expense in preparing these cases for trial, having been as far south as Memphis in taking proof. I am thoroughly satisfied, from what I know or have heard outside of the legitimate proof of the case, that the *New National* is a fit subject of prize and capture."

The following letter from the Secretary of the Treasury, Salmon P. Chase, to the Solicitor of the Treasury, Edward Jordan, gives a further history of the case. The letter is dated January 16, 1863:

"Capt. Pearson Montgomery, master and owner of the steamer *New National* seized and recently condemned in the United States district court for the southern district of Illinois, under the act of July 13, 1861, has made his petition before me for the remission of said seizure and release of the boat. The complete record in the case, together with a statement of United States District Judge Treat, and the evidence, are presented. From these it appears to my satisfaction that Captain Montgomery was not of his own will in the rebel service with his boat, and that, so soon as he could, he escaped therefrom and voluntarily turned her over to the Federal authorities. * * * I conceive that the discretionary power conferred on the Secretary of the Treasury of mitigating or remitting forfeitures in cases of this nature should be used to extend relief to loyal persons and to lighten the hardships of the war so far as consists with the public interest.

"In this view of the case, and for the reasons above stated, I feel justified in extending such relief as lies in my power to the petitioner, upon the usual terms. You will accordingly please instruct the proper district attorney to dismiss said suit and further proceedings against said steamer upon these conditions, viz, that the claimant shall pay all costs of whatsoever character incurred by the seizure and judicial proceedings, together with a fee of $100 to the United States district attorney, and agree that a certificate of probable cause of seizure shall issue from the court for the protection of the seizing officer."

Accordingly the proceedings in the circuit court were dismissed and an order made in accordance with the Secretary's letter, as appears of record in said court.

In 1880 Captain Montgomery presented his claim for $14,400 to the Treasury Department. May 25, 1880, a decision was rendered by the Third Auditor on the case, rejecting it, and in July of the same year the Second Comptroller made a long examination of the case and rejected it. Captain Montgomery made two points, first, that the boat was not forfeit because it did not ply between ports one declared to be in a section that was in insurrection and a port not in such a section. He maintained that though the boat did run between New Orleans, La., and Columbus, Ky., both ports were in the insurrectionary sections, even though Columbus had not been so declared by the President's proclamation of August 16, 1861.

The above-mentioned proclamation declared, among other States, Louisiana to be in state of insurrection, but did not so declare as to Columbus, Ky.

The law authorizing such proclamation is the act of July 13, 1861, and is as follows:

"SEC. 5. It shall be lawful, etc., * * * for the President by proclamation to declare that the inhabitants of such State, or any section or part thereof, where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares, and merchandise coming from said State or section into the other parts of the United States, and all proceeding to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States.

"SEC. 6. That from and after fifteen days after the issuing of said proclamation, as provided in the last foregoing section of this act, any ship or vessel belonging in whole or in part to any citizen or inhabitant of said State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited to the United States."

It will be readily seen that the Treasury Department could not legally decide this point different from what it did.

Captain Montgomery's second point was that the remission of the forfeiture by the Secretary of the Treasury not only restored to him his vessel, but the right to recover for her services from the time she was first seized.

Secretary Chase does not seem to have considered in his above letter that the remission of the forfeiture went to that extent. His power of remission arose under section 8 of the act of July 13, 1861, which is as follows:

"That the forfeitures and penalties incurred by virtue of this act may be mitigated or remitted in pursuance of the authority vested in the Secretary of the Treasury by the act entitled 'An act providing for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned, approved March 3, 1797,' or in cases where special circumstances may seem to require it, according to regulations to be prescribed by the Secretary of the Treasury."

The statute of March 3, 1797, gives power to the Secretary to stay the prosecution and remit the penalty, if one has been imposed, but it goes no further. There is no power in the statute, express or implied, whereby the Secretary could restore to Captain Montgomery the right to be paid for the services of his boat while under the decree of forfeiture.

The Treasury Department could not do otherwise than overrule Captain Montgomery's second point.

Under that head he also claimed that there was an implied contract on the part of the Government to pay for the boat for these two hundred and eighty-eight days.

That argument must necessarily fall for the reason that the boat belonged to the Government by force of the statute from the moment it was used in violation of the law and the President's proclamation. It has been held that where a forfeiture is declared by statute in a case like this that the forfeiture becomes complete at the moment the statute is violated.

Mr. Justice Ballard says:

"The decisions are uniform both in England and the United States. In the United States *vs.* 56 barrels of whisky, etc., 'that where a statute denounces a forfeiture of property as a penalty for the commission of crime, if the denunciation is in direct terms and not in the alternative, the forfeiture takes place at the time the offense is committed and operates as a statutory transfer of the right of property to the Government.'"

And he adds:

"That the subsequent conviction and judgment are simply the consummation of the proceeding that the law requires to be instituted to ascertain the fact of the forfeiture." (See also United States *vs.* 1,960 bags of coffee, 8 Cranch, 398; Gelston *vs.* Hoyt, 3 Wheat., 311; Caldwell *vs.* United States, 8 How., 381; Wood *vs.* United States, 16 Peters, 362; Henderson Distilled Spirits, 14 Wal., 16.)

As to the loyalty of Captain Montgomery the testimony is somewhat conflicting, but the committee are inclined to adopt the view of the Secretary of the Treasury, Hon. Salmon P. Chase, that Captain Montgomery was loyal to the United States Government, and that his acts inconsistent with that were not of his own free will. It appears that as soon as the coercive acts of the Confederates were removed he voluntarily surrendered the *New National* to the United States.

It can not be supposed that the Secretary of the Treasury intended at the time he remitted to Captain Montgomery the forfeiture, and requiring him to pay costs and $100, that he was to have a claim against the Government up to that time for the use of it during the time it was in possession of the Government, and while it was in fact the property of the Government. Such a supposition is simply absurd.

The remission of the forfeiture can not have the effect of giving the right claimed in this case.

The statute of March 3, 1797, gives power to the Secretary to stay the prosecution and remit the penalty, if one has been imposed, but it goes no further. It does not confer the power to set aside or reverse the judgment. Its effect is to remit the penalty and restore the property, but the judgment and all its attendant disabilities, except those so remitted, stand, and the claimant is affected thereby.

But it appears from this case that this remission of the forfeiture was on the 16th day of January, 1863, but that the vessel remained in the use of the Government and was not surrendered to the claimant till the 20th day of March following, a period of sixty-two days. It does not distinctly appear where the boat was during this time. It does not appear but that the Government had the use of it during this time. The claimant alleges that it had, and the evidence tends strongly to show it. This point does not seem to have been considered at all by either the Third Auditor or the Comptroller of the Treasury.

The committee think it would be just that the claimant should be paid for the use of the boat during this time. After the 20th of March, when the boat came into the possession of Captain Montgomery, the Government paid him $50 a day for the first year, and $65 per day for its use thereafter.

With reference to the use of the boat by the Government during the time covered by this report the committee finds the evidence stronger than the former report suggests. A letter from Admiral Porter, dated

March 14, 1884, which is in the record, settles this question upon an authority which may safely be accepted as conclusive. The following extract is taken from this letter:

I certify that when I assumed command of the Mississippi Squadron, in September, 1862, I found the *New National* and several other steamers of a similar class running on the Mississippi River and its tributaries in the employ of the Government.

Owing to the fact that I was called upon to assume active operations against Vicksburg, and had to proceed in person to that point, I was unable to ascertain under what circumstances these vessels were employed, and did not know until March, 1863, that they were not chartered by the Government.

The *New National* was, I understood, entitled by an arrangement with Flag Officer Davis to a compensation of $50 per day, which the owners claim they never received. As this seemed a reasonable compensation, and the employment of the vessel without a charter an irregularity which I thought should not exist, I entered into a charter with the owner on the 21st of March, 1863, agreeing to pay him $50 a day for the vessel for the period of one year.

The period covered by Admiral Porter's letter from September, 1862, to March 21, 1863, includes the time that the committee's report allows the claimant compensation for the use of his vessel.

The committee therefore recommend that the claimant be allowed for the use of his boat from the day of its release under the order of Secretary Chase, dated January 16, 1863, to the time when it was chartered, under the contract made by him, March 21, 1863, according to the record, with Admiral Porter on the part of the United States, a period of sixty-four days, at the rate of $50 per day, or $3,200 in all. This will make necessary the following amendments:

In line 6 strike out "fourteen" and insert "three" before "thousand."

In line 7 strike out "eight" and insert "two" before "hundred."

And they recommend that the bill do pass as thus amended.

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1187.

# IN THE SENATE OF THE UNITED STATES.

MAY 2, 1888.—Ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill S. 2852.]

*The Committee on Pensions, to whom was referred the petition of Clara B. Davidson for an increase of pension, have examined the same, and report:*

The petitioner is the widow of the late General John W. Davidson, colonel of the Second Cavalry. She is now in the receipt of a pension of $50 a month, and has petitioned to have the same increased to $100 a month.

Colonel Davidson died after a continuous military service of thirty-six years, holding at the time of his death the rank of colonel of the Second Cavalry. He left no estate, and his widow has dependent upon her a boy, Willie, aged twenty-six years, who, by reason of a gunshot wound received in the year 1875, is permanently disabled to such an extent that he is unable to do any work, and is in consequence thereof dependent upon his mother for support. She has no other means except her pension of $50 a month, which she now receives, a sum manifestly inadequate to sustain her and her disabled son.

Your committee report by bill upon this petition, recommending that her pension be increased to $70 per month.

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50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1188.

# IN THE SENATE OF THE UNITED STATES.

MAY 2, 1888.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

## REPORT:

[To accompany bill H. R. 7094.]

*The Committee on Pensions, to whom was referred the bill (H. R. 7094) granting a pension to Nancy Van Dyne, have examined the same and report:*

Your committee agree with the conclusion reached by the House committee in this case, and recommend the passage of the bill.

The House report is as follows:

Nancy Van Dyne, of Palmyra, N. Y., aged sixty-seven years, is the mother of James B. Van Dyne, late a private in the First Veteran Cavalry Volunteers of New York, in which he enlisted in August, 1863, after having served from October, 1861, in the Thirty-third Regiment New York Volunteers. This mother gave to the Union Army two other sons, namely: Charles H. Van Dyne, who was a member of the One hundred and sixtieth New York Volunteers in 1862, and Peter H. Van Dyne, who entered the United States Navy in 1864. The former son died in January, 1873, and the latter is a resident of Chicago, Ill., an invalid, unable to labor, has no means, and is unable to help his mother.

Nancy Van Dyne is the daughter of Seneca Page, who enlisted in the Ninth or Eighth Regiment of New York Heavy Artillery, at Auburn, N. Y., in November, 1863, and who was probably killed in battle, and so far as we can know fills an unknown grave, for he was never heard from after the month of December, 1863.

The son, James, subsequent to his enlistment in the First Veteran Cavalry, and prior to proceeding to the front with his regiment, married, but there were no children born of said marriage. He was in the battle of Cedar Creek, taken prisoner, and confined in Confederate prisons at Lynchburgh, Danville, and Salisbury. In the winter of 1865 he was paroled at Wilmington, N. C.; from there sent to Annapolis, Md., which place he reached March 7, 1865, weak and emaciated, owing to lack of food, and at that place the mother met him and remained with him until March 25, 1865, when he died.

Shortly after the death of James, his widow married one Charles E. Wilbur. This was in July, 1865 or 1866. With her Wilbur lived about three years, and then procured a divorce on the ground of the woman's unfaithfulness. At the time of the divorce the parties resided in Palmyra, and shortly thereafter the unfaithful wife left for parts unknown, and her whereabouts have ever since been and are now unknown.

The mother, Nancy Van Dyne, is in destitute circumstances, dependent upon charity for her support.

It appears that the widow of said James B. Van Dyne received a pension as such up to July 3, 1866, which seems from the report from the Pension Bureau to be the date on which she remarried.

The mother made application for a pension as the mother of James, but the same was rejected for the reasons stated.

The claim of this mother is, in the opinion of your committee, entirely meritorious.

Your committee report the bill favorably, and recommend its passage, with an amendment striking out all after the word "Cavalry," in line 8, and inserting in place thereof the words "subject to the provisions and limitations of the pension laws."

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1189.

# IN THE SENATE OF THE UNITED STATES.

MAY 3, 1888.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 2972.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 2972) authorizing the President of the United States to appoint and retire Alfred Pleasonton with the rank and grade of colonel, having had the same under consideration, beg leave to submit the following report:*

A Senate bill in behalf of General Pleasonton has already been favorably reported by this committee and is now on the Calendar of the Senate.

Your committee adopt the House report in this case, report the bill back to the Senate with amendments, and as amended recommend its passage.

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**House Report No. 340, Fiftieth Congress, first session.**

*The Committee on Military Affairs, to whom was referred the bill (H. R. 2972) to authorize the President to appoint and retire Alfred Pleasonton, a brigadier-general, beg leave to report as follows:*

"That Alfred Pleasonton was born in the city of Washington on the 7th day of January, 1824; was appointed to West Point in 1840; graduated from the Military Academy in 1844; assigned as a brevet second lieutenant to the First Regiment of Dragoons, of which Captain Sumner (afterwards General Sumner) was commander.

"Lieutenant Pleasonton served in Iowa (when a Territory) until the winter of 1845–'46, when he was promoted to the Second Regiment of Dragoons, under the command of General Zachary Taylor. He went through the Mexican war, and was brevetted by General Taylor for gallantry in Captain May's charge at Resaca de la Palma. At the termination of the Mexican war he marched, in command of the Second Dragoons, to Santa Fé, N. Mex., under the command of Colonel Washington, and was in active service throughout that winter. In the following spring he was appointed assistant adjutant-general on the staff of General Persifor F. Smith, commanding in California, and with a small force of ten dragoons and seven Mexicans to pack his mules, two guides, and one superintendent over the Mexicans—twenty-one in all—he marched from Santa Fé to San Francisco, through the savage

tribes inhabiting the country of transit. On being promoted the next year, he returned to New Mexico, and for two years was actively engaged in fighting the hostile tribes disputing possession of the country.

"General Harney appointed him adjutant-general on the Sioux expedition, which was a success; and afterwards General Harney appointed him as adjutant-general in Florida, in removing the Seminoles, which was accomplished. Lieutenant Pleasonton was transferred to Kansas, and was there during the troubles in Kansas, and subsequently aided in fitting up the Utah expedition. An Indian war breaking out in Washington Territory he was transferred with the general in command and brought the Indians to terms.

"In 1854, during the administration of President Pierce, Congress passed a bill creating two cavalry regiments and two infantry regiments, and in assigning officers to these regiments they were in the main assigned from the South, and the majority of these officers, when the war between the States broke out, resigned and went South. It was decided to call these two regiments cavalry regiments, and the result was, that according to the promotion of field-officers it was made by arm of the service, below the rank of field-officers it was made regimentally.

"In calling these two regiments cavalry, the Government made a distinct arm of the service. The two regiments of dragoons oldest in the service were one arm, the mounted rifles raised for the Mexican war was another, and the two cavalry were another arm. The promotion of field-officers was confined to them. All the senior officers were in the dragoon regiments; but by this peculiar arrangement they were left junior in rank to men who were many years their junior. When the war between the States occurred, and the majority of the field and company officers went South, the officers who remained were promoted and made field-officers over officers in the dragoons whose subalterns they had been not more than five years before. Subsequently Congress passed an act calling all the mounted men cavalry, making the First and Second Dragoons the First and Second Cavalry; and this act made the majority of the officers of these regiments the juniors of the other regiments of cavalry.

"The services rendered by General Pleasonton in the war between the States are so admirably set forth in the report made by the honorable Mr. Bayne in the first session of the Forty-seventh Congress that the same is adopted and embodied in this report and made part thereof, or so much thereof as refers to the services of General Pleasonton in said last-named war.

"In March, 1861, General Scott ordered Pleasonton to join his company, then at Camp Floyd, in Utah. He proceeded as far as Saint Joseph, Mo., and was detained there for want of transportation, when the news of the firing on Fort Sumter satisfied him it was his duty to return to the East. On arriving in Philadelphia he found Washington was cut off from the North, and that the Government had placed General Patterson in command of the Department of Washington, extending from Philadelphia to Washington. Pleasonton immediately reported to him and was sent to Wilmington, Del., to raise a force to protect the railroad to Havre de Grace, and also Dupont's powder-mills, which contained at that time the materials belonging to the Government for making powder at the rate of 30,000 pounds a day for a period of eighteen months. He succeeded in less than a week in organizing, arming, and equipping a regiment of 1,000 men; but upon application being made by the regiment to General Scott to permit Pleasonton to accept the command of it, Scott's only reply was an order for Pleasonton to join his company in Utah. Pleasonton obeyed the order. He could have

resigned from the Army and accepted the colonelcy of the regiment; but as the Government at that time was in the throes of a civil war, he considered it his highest duty to obey its behests.

"Shortly after his arrival in Utah the news of the battle of Bull Run was received, and also orders for the troops to proceed to Washington. Pleasonton reached Washington in command of his regiment, the Second Dragoons, in the fall of 1861, having marched 1,100 miles, from Utah to Saint Joseph, Mo., and then transported the men and horses of the command about the same distance by rail to Washington.

"When the Army of the Potomac moved to Yorktown, Pleasonton's regiment of dragoons formed part of it, and served with headquarters and on detached service throughout that campaign, sometimes covering a retreat, sometimes in advance, but rendered such efficient service that upon the arrival of the army at Harrison's Landing Pleasonton was promoted to be a brigadier-general of volunteers, his rank at that time in the regular Army being that of major. A few days after his assignment to the command of a brigade of cavalry, he distinguished himself in the second battle of Malvern Hill, capturing many prisoners and showing his ability to fight cavalry in large masses. He covered the retreat of the army from the Chickahominy, and was among the last to embark from Yorktown to Washington. On his arrival at Washington General McClellan assigned him to the command of all the cavalry and horse artillery of the Army; and it was from this time that the Union cavalry began its career of distinction and glory, which it held to the close of the war. Starting in advance of the army from Washington, with only one brigade of cavalry and two batteries of horse artillery, Pleasonton defeated the enemy at Poolesville, Barnesville, Frederick City, and brought him to bay at South Mountain. He reconnoitered that position, and finding two mountain roads, one to the north and the other to the south of it, he suggested turning the enemy by both flanks, which was afterward successfully accomplished by the army. Rapidly pursuing, immediately after the battle, with the cavalry, he overtook the enemy's cavalry near Boonesville, and, after a fierce fight, defeated them with severe loss, forcing his way to the main body on Antietam Creek, at Sharpsburgh. While thus actively engaged, Pleasonton found time to organize his scattered cavalry, and had shown such energy and judgment in doing so that he collected 4,000 cavalry and formed them into four brigades, and with four batteries of horse artillery he held the center of the Union position throughout the battle of Antietam. He took the advance of the army into Virginia after the battle, fighting the enemy's cavalry at Martinsburgh, Purcellville, Union, Upperville, Barber's Cross-Roads, Waterloo, and other places, being invariably successful.

"In the campaign of Fredericksburgh he commanded the first division of cavalry on duty with the First Grand Division of the army, commanded by Major-General Sumner. The battle of Fredericksburgh virtually finished that campaign.

"In the campaign of Chancellorsville, Pleasonton went into the field with one small brigade of cavalry of three regiments and one horse battery, but it was his good fortune to be at the critical part of the field at the proper time; that is, where the Eleventh Corps became panic-stricken and ran away when Stonewall Jackson attacked them, on the 2d of May, 1863. In reference to this action the Joint Committee of the two Houses of Congress on the Conduct of the War report as follows:

"About 6 o'clock in the afternoon a rattling fire of musketry was heard on the right, but nothing indicating a very serious engagement. Almost immediately, however, from some cause not fully evident from the testimony, the extreme right division of

the Eleventh Corps was stampeded, and, flying along the line of the Eleventh Corps, threw the whole corps into confusion and swept it from the field. Steps were at once taken to arrest the fugitives and prevent the panic being extended to the whole army. Berry's division of the Third Corps and a brigade of the Second Corps were directed to cover the rear of the Eleventh Corps, and, if possible, to retake and hold the position they had abandoned. This, however, they were unable to do, the enemy occupying it in great force before our troops could reach it.

"It will be remembered that some hours before, General Sickles, with two divisions of his corps, had been ordered to advance for the purpose of operating against the column of the enemy under Jackson. The giving way of the right left General Sickles in a very exposed and critical position; but upon being informed of the condition of affairs, he at once took measures to withdraw his force, which was successfully done, and without much loss. The enemy, under Jackson, continued to advance after the panic-stricken troops until checked by General Pleasonton, who had collected and brought into position some artillery for that purpose. Although a cavalry officer, he handled the artillery with exceeding great judgment and effectiveness. His skill, energy, daring, and promptness upon this occasion contributed greatly to arrest the disaster which for a time threatened the whole army. His conduct upon this and many other occasions marks him as one of the ablest generals in our service, and as deserving of far higher consideration than, from some cause, he appears to have received. It was during this attack the rebel General Jackson was mortally wounded. The enemy were repulsed with great loss, and active operations ceased for the night.

"Pleasonton was now placed in command of the Cavalry Corps of the Army of the Potomac by Major-General Hooker, and the campaign of Gettysburgh was opened by his crossing the Rappahannock and attacking the enemy's cavalry, under Stuart, at Beverly Ford and Brandy Station, on the 9th of June, 1863. He had 6,000 cavalry, 3,000 infantry, and 36 pieces of artillery. Stuart had 18,000 cavalry and upwards of 40 pieces of artillery. The battle began at 5 o'clock in the morning, and lasted until 7 o'clock in the evening. By this action Pleasonton ascertained the design of General Lee of moving into Pennsylvania, having captured official correspondence indicating the movement. The loss of the Union cavalry on that day was 1,000 men, but the loss of the enemy's cavalry was much greater, stated to have been 2,500 men. Moving rapidly from Beverly Ford to Aldie, in the Bull Run Mountains, the enemy were met and again defeated, and pursued to Middleburgh and Upperville, and finally driven over the Blue Ridge Mountains. It was after the battle at Upperville that President Lincoln appointed Pleasonton a major-general of volunteers, to date from June 22, 1863.

"At Frederick City, Pleasonton, finding the enemy's cavalry so superior in numbers, applied for and obtained another division of cavalry from Washington, to which he promoted his aides-de-camp, Custer and Farnsworth, to be brigadier-generals. Lee was at this time moving his army towards Chambersburgh. The Army of the Potomac was put in motion by General Meade in the direction of Columbia and the Susquehanna River. The cavalry was placed to cover its front and flanks. The first division, under General Buford, was ordered by Pleasonton to Gettysburgh, to hold that position at all hazards; the second division, under General Gregg, moved on the right of the army, and the third division, under General Kilpatrick, in front towards Harrisburg.

"At Hanover the third division struck Stuart, laden with plunder, which was recaptured and the enemy driven off with great loss.

"At Gettysburgh General Buford met the enemy on the morning of the 1st of July, 1863, and with the first division fought so hard to hold the position that he urged the necessity for the whole army to support him, if it was expected we should retain it. Accordingly, the different corps of the army were marched in that direction, and the result was the battle of Gettysburgh.

"The cavalry throughout that battle protected the flanks of the army, and sustained very severe losses in so doing, and followed in pursuit of the enemy immediately after the battle.

"In the winter of 1864 the Committee of the two Houses of Congress on the Conduct of the War called upon the different generals for their views with reference to the prosecution of the war in the next campaign. The members of the committee were so much impressed with the plan submitted by Pleasonton that they recommended to President Lincoln to place him in command of the Army of the Potomac, give him the men and material he required, and hold him responsible to execute that plan. The President was favorably inclined to do so, but other influences prevented its consummation, and the result was that in the spring of 1865 Pleasonton was ordered to the Department of Missouri, at Saint Louis. In the fall of that year the States of Missouri and Kansas were invaded by General Sterling Price with a greatly superior force of cavalry and artillery to that which could be put into the field by the Federal commander, Maj. Gen. William S. Rosecrans. In his official report General Rosecrans describes the results of that campaign as follows:

"With less than 7,000 effective cavalry, have pursued, overtaken, beaten in several engagements, and finally routed an invading cavalry, variously estimated at from 15,000 to 20,000 men, re-enforced by 6,000 armed recruits from Missouri, taken from them 10 pieces of artillery, 2 stand of colors, 1,958 prisoners of war, a large number of horses, mules, wagons, and small-arms, compelled them to destroy most of their remaining wagon trains and plunder, blasted all the political schemes of the rebels and traitors who concerted with Price to revolutionize Missouri, destroy Kansas, and turn the State and Presidential elections against the Union cause, and by one triumph in the late elections have given to gallant and suffering Missouri the fairest prospect she has ever yet seen of future freedom, peace, and prosperity—all the fruit of a campaign of forty-eight days, in which most of our victorious troops had never before seen a great battle. Rarely, during this or any war has cavalry displayed more persevering energy in pursuit, more impetuous courage and gallantry in attacking, regardless of superior numbers, or had its efforts crowned with greater fruits of success. Major-General Pleasonton deserves the thanks of the country for the able manner in which he handled and fought the cavalry, and the brilliant and fruitful victories he won over triple his own force. I hope he may receive promotion in the regular Army.

"This campaign closed the war in Missouri and west of the Mississippi River.

"The military record of General Pleasonton, from the time he dedicated his services to his country in 1844, through all his service in the hard Indian campaigns, through the Mexican war, in which he served with distinction and won his promotion by gallantry on the field of battle, his distinguished and meritorious service during the late war, all entitle him to be retired of the rank provided for in this bill; and your committee report the bill back with the recommendation that the same do pass with the following amendment, namely: To strike out in lines 11 and 12 the words 'as such brigadier-general' and insert in lieu therefor the words 'with the rank and grade of colonel,' and insert the following proviso after the last line, namely: '*Provided*, That from and after the passage of this act no pension shall be paid to the said Alfred Pleasonton; but this proviso shall be no bar to any claim for pension that the widow, or children, or heirs of the said Alfred Pleasonton may leave after his decease.'"

50TH CONGRESS, 1st Session. } SENATE. { REPORT No. 1190.

# IN THE SENATE OF THE UNITED STATES.

MAY 3, 1888.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 1368.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1368) for the relief of the widow of Lieut. John F. Stewart, having had the same under consideration, beg leave to submit the following report:*

A bill for the relief of Lieutenant Stewart was referred to your committee in the first session of the Forty-ninth Congress, and after due consideration, was adversely reported for reasons set forth in the report then made, and which the committee adopt and make part of this report.

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[Senate Report No. 504, Forty-ninth Congress, first session.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. 1732) for the relief of the heirs of Lieut. John F. Stewart, having had the same under consideration, beg leave to submit the following report:*

This bill, which has passed the House of Representatives, and has been referred to your committee, is as follows:

"Whereas Lieut. John F. Stewart, late of Company A, Fourth Regiment United States Infantry, in active line of service was regularly promoted and appointed, and did serve faithfully as a second lieutenant of said company from July 29, 1865, until June 19, 1866; and

"Whereas the company having been so far from headquarters during its entire period of service in the Northwestern Territories that he failed to receive his commission as second lieutenant, to which he was justly entitled, and failed also to receive the pay due him for his services as second lieutenant: therefore,

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $992 to the heirs of Lieut. John F. Stewart, for his services in the United States Army, prior to his death, in the late war."

Your committee, after mature deliberation, are compelled to recommend adverse action on this bill, for the reasons that the *records at the War Department show that no vacancy existed in the grade of second lieutenant of Company A, Fourth Regiment United States Infantry Volunteers, during the entire period of service of that company; that one William H. Vose held that position from November 3, 1864, to the date of muster-out and discharge of that company, June 9, 1866.*

The committee have repeatedly at this session unanimously reported against cases of a similar character, on the ground that it would establish an unwise precedent, and the War Department has uniformly recommended against favorable action in these cases.

Your committee, with the present evidence before it, can not perceive that the case of John F. Stewart is any more meritorious than those which have been referred to

the committee at this and previous sessions, and do not feel warranted in making this an exception.

A complete history of this case from the War Department is appended to and made a part of this report.

The committee, in view of the foregoing facts, beg leave to report the bill back adversely, and recommend its indefinite postponement.

WAR DEPARTMENT,
*Washington City, April* 9, 1886.

SIR: In returning herewith House bill 1732, "An act for the relief of the heirs of Lieut. John F. Stewart" (passed the House of Representatives March 5, 1886), referred in your letter of the 27th ultimo for information, I have the honor to invite attention to the inclosed copy of a report made January 29, 1886, by the Adjutant-General's Office on the same subject, which fully affords, it is believed, the information desired.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. J. D. CAMERON,
*Of Committee on Military Affairs, United States Senate.*

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WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
*Washington, January* 29, 1886.

The SECRETARY OF WAR:

SIR: I have the honor to return herewith the communication of Hon. J. W. Reid (per H.), of Committee on War Claims, House of Representatives, inclosing H. R. bill No. 7826, Forty-eighth Congress, second session, for the relief of the heirs of John F. Stewart, and requesting, on behalf of said committee, to be furnished with the military history of said Stewart as of the Fourth United States Infantry Volunteers, and to report as follows:

The records of this office show that John F. Stewart was mustered into service as a private, Company A, Fourth United States Infantry Volunteers, October 12, 1864; promoted first sergeant November 1, 1864.

He is reported on muster-rolls of his company as a first sergeant, present for duty to June 30, 1865; for July and August, 1865, first sergeant, present, with remark, "Provisionally appointed second lieutenant by virtue of Special Order No. 43, Headquarters Northwest Indian Expedition, July 22, 1865." On all subsequent rolls he is borne as a sergeant, acting second lieutenant, to date of his discharge from the service, June 19, 1866.

The records further show that Company A, Fourth United States Infantry Volunteers, had two commissioned officers, Capt. Samuel G. Sewell and Second Lieut. William H. Vose.

Captain Sewell is reported on the rolls of his company as present for duty from date of his muster into service, November 1, 1864, to date of his discharge, June 19, 1866.

Second Lieutenant Vose is reported present with the company from November 3, 1864, date of his muster into service, to June 30, 1865. Rolls for July and August, September and October, 1865, show him on detached service commanding Company F. On all subsequent rolls he is reported second lieutenant on detached service commanding Company F, acting first lieutenant, Special Orders No. 43, Headquarters Northwest Indian Expedition, July 22, 1865. He was mustered out of service as a second lieutenant with Company A, June 19, 1866.

On July 5, 1866 (sixteen days after his discharge from the service), Stewart made application to this office for the issue of a commission as second lieutenant Fourth United States Volunteers, and claimed recognition as of that grade from July 22, 1865, to June 19, 1866. This application received the adverse decision of the Department, on the grounds that the regulations of the Department prohibited the muster into service or assignment to duty of any person as a commissioned officer, in white organizations recruited in rebel States, prior to authority being issued therefor from this office; that no orders had been issued from this office authorizing his muster into service as a commissioned officer in the Fourth United States Volunteers, and that authority could not now be given for the same.

The above decision was based upon the fact that the commanding general having authority to recruit organizations of white troops in rebel States had not complied with the requirements of circular No. 62, War Department Adjutant-General's Office, August 3, 1864, relative to the appointment of officers to such organizations, and that no recommendations had been received at this office for the appointment of Stewart in the grade claimed.

Stewart submitted in support of his claim for muster as a second lieutenant a copy of Special Order No. 43, Headquarters Northwest Indian Expedition, Camp No. 22, Fort Rice, Dak., dated July 22, 1865, assigning him to duty as a commissioned officer (subject to the approval of the Secretary of War) by command of Brevet Major-General Sully.

The attention of General Sully was called to the above order, by letter from this office dated July 9, 1866, and an explanation was requested in reference to the irregular assignment of Stewart.

The following letter was received in response thereto:

PHILADELPHIA, PA., *July* 12, 1866.

The ADJUTANT-GENERAL,
*United States Army:*

GENERAL: The communication in regard to the appointment of First Sergt. J. F. Stewart as a lieutenant in the Fourth United States Volunteers has just been received, and calls for some explanation on my part.

When the Fourth United States Volunteers joined me they were very short of officers, so much so that it affected the discipline of the regiment. I reported this to my immediate commander, Maj. Gen. J. Pope, and by his direction made certain acting appointments, subject to the approval of the Secretary of War.

The approval of the Secretary was never received by me, but as the services of a lieutenant were necessary I thought it best for the service to allow First Sergt. J. F. Stewart to continue acting second lieutenant.

Stewart knew very well he was not entitled to any pay without his appointment should be approved, nor do I think he would have applied had not a private of the same regiment, a clerk at department headquarters, been appointed afterwards as first lieutenant in the regiment.

I would beg leave to add that at the time I was relieved from duty in the Department of Missouri there had been several communications sent in with regard to Sergeant Stewart's appointment, and I have no definite answer if Acting Second Lieutenant Stewart would be appointed or not, and pending the result I was relieved from duty.

If I had with me the books of the District of Upper Missouri, I could show more conclusively that I was in no way to be censured for the action I took in the matter.

With much respect, your obedient servant,

ALF. SULLY,
*Brevet Brigadier-General.*

From the foregoing it will be seen that no vacancy existed in Company A, Fourth U. S. Volunteers, for a second lieutenant during its entire period of service, Second Lieutenant Vose having held that office from November 3, 1864, to date of muster out and discharge of the company, June 19, 1866, and that the assignment to duty of Stewart as a commissioned officer, July 22, 1865, was irregular and in violation of the regulations of the Department.

There is nothing of record in the Department which would sustain the action proposed by this bill.

I am, sir, very respectfully, your obedient servant,

J. C. KELTON,
*Acting Adjutant-General.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1191.

# IN THE SENATE OF THE UNITED STATES.

MAY 3, 1888.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 2540.]

*The Committee on Military Affairs, to whom was referred the bill (S. 2540) for the relief of Edward L. Keyes, having had the same under consideration, beg leave to submit the following report:*

A bill for the relief of Lieutenant Keyes was before your committee at the first session of the Forty-eighth Congress, and it was adversely reported at that time for reasons stated in the accompanying report, which the committee adopt as a part of this report.

No new evidence having been filed in support of the bill introduced at this session, your committee are compelled to again report the bill back adversely and recommend its indefinite postponement.

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[Senate Report No. 445, Forty-eighth Congress, first session.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1798) for the relief of Edward L. Keyes, have considered the same and respectfully report:*

The committee, after a careful consideration of this case, fully agree with the views set forth by the honorable the Secretary of War in the following letter, which is here presented and made a part of their report:

WAR DEPARTMENT,
*Washington City, April* 18, 1884.

SIR: The Department duly received your letter of the 1st instant, inclosing, with others, S. 1798, which provides for the restoration to the Army of Edward L. Keyes, late a second lieutenant in the Fifth Cavalry,

In reply to your request for information upon the subject-matter of said bill, I have the honor to inclose herewith a statement of the military history of Edward L. Keyes, late second lieutenant Fifth United States Cavalry, and copies of the several court-martial orders therein referred to, including the one containing the charges and specifications upon which he was dismissed the service. These several papers will, it is believed, furnish the information desired as to the facts in the case.

In response to your request for my opinion as to the advisability of the passage of the bill, I beg to respond that I have no information in respect to the particular case in question beyond what is conveyed in the above-mentioned report of the Adjutant-General, and upon that report I earnestly recommend unfavorable action upon the pending bill. I believe that the restoration of officers who have been expelled from the Army in disgrace, upon the verdict of their brother officers, and after consideration by the President of the arguments of friends, in nearly every case, has been and always will be highly detrimental to the public interests. It is destructive of the high moral tone which is indispensable in the military service, and if such restoration

is practiced without personal partiality, as it should be if done at all, it would make it proper to lower the standard of personal conduct of army officers by an alteration of the laws in regard to it which now govern courts-martial.

It is true that some of the articles of war make it imperative upon a court-martial to impose a sentence of dismissal upon an officer found guilty of certain offenses, such as drunkenness on duty, or conduct unbecoming an officer and a gentlemen, without regard to mitigating circumstances or the previous good conduct of the officer; but I am advised by officers of great experience in the affairs of the Army, that such a sentence is seldom if ever imposed, unaccompanied by a recommendation for clemency, unless the particular offense or the general character and conduct of the guilty officer make his expulsion from the service a necessity which any one familiar with all the facts would recognize. It may be safely assumed in any case that any mitigating circumstance which can be urged has been presented to the President, and that the danger of harm to the Army by the restoration of a dismissed officer is a hundred-fold greater than the chance of injustice to the individual by a denial of his application.

The officer mentioned in the bill was appointed 27th July, 1872, a second lieutenant in a cavalry regiment without previous probation at the Military Academy. He was dismissed the service 28th April, 1877, for drunkenness on duty and other misconduct caused by intemperate habits. He had been less than six months in the Army when he was tried for misconduct due to his intemperance, and the mild sentence of a reprimand was approved only upon his giving a pledge to abstain from the use of liquors for one year. His habits thereafter up to May 31, 1874, are not shown by the record, but an inference may be drawn from the fact that on that date he gave his commanding officer a pledge to abstain from drinking for five years. Six months thereafter he was tried by court-martial for violation of his pledge, found guilty, and sentenced to be dismissed the service. His sentence was mitigated. In 1876 he seems to have tendered his resignation to escape trial for drunkenness on duty, but its withdrawal was permitted upon his renewing his pledge of total abstinence. Notwithstanding this, his conduct became so bad that his last trial was a necessity, and it resulted in his dismissal. Comment on this history seems unnecessary.

I have the honor to be, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
*Secretary of War.*

Hon. WILLIAM J. SEWELL,
*Of the Committee on Military Affairs, United States Senate.*

The committee further present a statement of the military service of this officer, with the proceedings of the courts-martial before which he was tried upon certain charges and specifications:

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
*Washington, April* 12, 1884.

Statement of the military service of Edward L. Keyes, late of the United States Army, compiled from the records of this office:

He was appointed second lieutenant Fifth United States Cavalry July 27, 1872, and served at Benicia Barracks, Cal., from September 23, 1872, to October 18, 1872; in arrest to November 20, 1872 (see General Orders, No. 15 Headquarters Military Division of the Pacific, November 20, 1872, copy herewith); with his troop at Camp McDowell, Ariz., from December, 1872, to May 26, 1873, and at Camp Apache, Ariz. (being in arrest from July 31 to August 5, 1873), to October 18, 1873; conducting prisoners to Prescott, Ariz., to November 23, 1873; with troop at Camp Apache, Ariz., to December 18, 1873; at San Carlos Agency, Ariz. (being in arrest December 12, 1873, to March 31, 1874), to March 27, 1874; at Camp Bowie, Ariz. (being in arrest and undergoing sentence of general court-martial, October 14, 1874, to July 22, 1875; see General Court-Martial Orders No. 6, War Department, Adjutant-General's Office, January 22, 1875, copy herewith), to May 7, 1875; at Camp Supply, Ind. Ter., to November 15, 1875; in the field to April 29, 1876; at Camp Supply, Ind. Ter., to June 4, 1876; in the field on Big Horn Expedition to November 7, 1876; at Fort McPherson, Nebr. (being in arrest December 1, 1876, to April 28, 1877), to April 28, 1877, upon which date he was dismissed from the service. (See General Court-Martial Orders, No. 36, Headquarters of the Army, Adjutant-General's Office, April 11, 1877, copy herewith.)

R. C. DRUM,
*Adjutant-General.*

*Case tried by general court-martial, at Fort Yuma, Cal.*

(Second Lieut. E. L. Keyes, Fifth United States Cavalry.)

GENERAL ORDERS No. 15.

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC,
*San Francisco, Cal., November* 20, 1872.

I. Before a general court-martial, which convened at Fort Yuma, Cal., November 1, 1872, pursuant to special orders No. 192, Headquarters Military Division of the Pacific, and of which Maj. Charles J. Sprague, Pay Department, is president, was arraigned and tried—

Second Lieut. E. L. Keyes, Fifth Cavalry, United States Army.

*Charge.*—"Conduct to the prejudice of good order and military discipline."

*Specification.*—"In this, that he (Second Lieut. E. D. Keyes, Fifth United States Cavalry) while on duty with a detachment of enlisted men, in the service of the United States, did speak in an insulting and disrespectful manner to Second Lieut. P. H. Hogan, Fifth United States Cavalry, saying, 'God damn you,' or words to that effect; this at San Francisco, Cal., on or about October 18, 1872." To which charge and specification the accused pleaded as follows:

To the specification, "Guilty."

To the charge, "Guilty."

The court, after mature deliberation upon the evidence adduced, finds the accused, Second Lieut. E. L. Keyes, Fifth United States Cavalry, as follows:

Of the specification, "Guilty."

Of the charge, "Guilty."

And the court does therefore sentence him, Second Lieut. E. L. Keyes, Fifth United States Cavalry, "to be reprimanded by the division commander, being thus lenient in view of the youth and inexperience of the accused."

II. The proceedings and findings in the foregoing case of Second Lieut. E. L. Keyes, Fifth United States Cavalry, are approved. In view of the youth and inexperience of Lieutenant Keyes, and of the fact that he has given a written pledge to abstain for one year from the use of intoxicating or stimulating liquors, the abuse of which seems to have led him to commit the offense of which he was convicted, the sentence is approved.

Such language as that used by Lieutenant Keyes is entirely inadmissible between officers, and the habit of excessive indulgence in intoxicating liquors must of necessity prove fatal to any officer who continues it. It is hoped Lieutenant Keyes will appreciate these facts, and the further fact that inexperience can not hereafter be considered any excuse for the commission of a similar offense.

Lieutenant Keyes will be released from arrest and return to duty.

III. The general court-martial, of which Maj. Charles J. Sprague, pay department, is president, is hereby dissolved.

By order of Major-General Schofield.

J. C. KELTON,
*Assistant Adjutant-General.*

Official:

WM. ENNIS,
*Aide-de-Camp.*

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[General Court-Martial Orders No. 6.]

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
*Washington, January* 22, 1875.

I. Before a general court-martial which convened at Camp Bowie, Ariz., November 16, 1874, pursuant to Special Orders No. 100, Headquarters Department of Arizona, Prescott, November 2, 1874, and of which Maj. W. B. Royall, Fifth Cavalry, is president, was arraigned and tried—

Second Lieut. Edward L. Keyes, Fifth Cavalry.

*Charge.*—"Conduct unbecoming an officer and a gentleman."

*Specification* 1.—"In this, that he, Second Lieut. Edward L. Keyes, Fifth Cavalry, having given his written pledge to his commanding officer, Capt. Samuel S. Sumner, Fifth Cavalry, to abstain from the use of intoxicating liquors for a period of five years, in words and figures as follows:

CAMP BOWIE, A. T., *May* 31, 1874.

I, Edward L. Keyes, second lieutenant, Fifth Cavalry, do hereby pledge myself to my commanding officer to abstain from the use of all spirituous, wine, or malt liquors,

under any and all circumstances, unless prescribed as medicine by a physician, for the period of five years.

And I further pledge myself that in case liquor is prescribed by a physician to request him not to so prescribe unless in case of actual necessity, and to inform him of this pledge.

I sign this of my free will and accord, understanding it to be a pledge of total abstinence for the time specified.

EDW'D L. KEYES,
*Second Lieutenant, Fifth Cavalry.*

did violate said pledge. This at or near the post trader's store at Camp Bowie, Ariz., on or about the 13th day of October, 1874."

*Specification* 2.—"In this, that he, Second Lieut. Edward L. Keyes, Fifth Cavalry, having given his written pledge to his commanding officer, Capt. Samuel S. Sumner, Fifth Cavalry, to abstain from the use of intoxicating liquors for a period of five years, in words as follows:

CAMP BOWIE, A. T., *May* 31, 1874.

I, Edward L. Keyes, second lieutenant, Fifth Cavalry, do hereby pledge myself to my commanding officer to abstain from the use of all spirituous, wine, or malt liquors, under any and all circumstances, unless prescribed as medicine by a physician, for a period of five years.

And I further pledge myself that in case liquor is prescribed by a physician to request him not to so prescribe unless in case of actual necessity, and to inform him of this pledge.

I sign this of my free will and accord, understanding it to be a pledge of total abstinence for the time specified.

EDW'D L. KEYES,
*Second Lieutenant, Fifth Cavalry.*

did violate said pledge at various times between the 1st and 13th days of October, 1874. This at the post trader's store, at Camp Bowie, Ariz., on or about the dates specified."

To which charge and specifications the accused, Second Lieut. Edward L. Keyes, Fifth Cavalry, pleaded "Not guilty."

FINDING.

The court having maturely considered the evidence adduced, finds the accused, Second Lieut. Edward L. Keyes, Fifth Cavalry, as follows:

Of the first specification, "Guilty."

Of the second specification, "Guilty, except the words 'at various times between the 1st and 13th days of October, 1874,' and substituting therefor 'on or about the 4th day of October, 1874;' and of the excepted words, not guilty."

Of the charge, "Guilty."

SENTENCE.

And the court does therefore sentence him, Second Lieut. Edward L. Keyes, Fifth Cavalry, "To be dismissed the service of the United States."

II. In conformity with the 65th of the Rules and Articles of War, the proceedings of the general court-martial in the foregoing case of Second Lieut. Edward L. Keyes, Fifth Cavalry, have been forwarded to the Secretary of War for the action of the President of the United States.

The proceedings, findings, and sentence are approved.

Four out of five members of the court, as it was composed when the sentence was passed, recommended the accused to clemency for the reason that, in their opinion, "Lieutenant Keyes is capable of becoming a valuable officer and an ornament to the service, his only fault being in his predilection for the use of intoxicating liquor." The reviewing authority has found much difficulty in discovering ground for the mitigation of the sentence in this case, but it is induced to do so in consideration of the foregoing recommendation, and the hope that if the accused is now saved the disgrace of a dishonorable expulsion from the service he will take good care not to expose himself to that danger again.

The sentence is mitigated to "Suspension from rank and command for the period of six months, and to the forfeiture of all his pay during that period except fifty dollars ($50) per month, and to confinement at such post or posts in the department where his company is serving as may be designated by the department commander from time to time during such suspension."

By order of the Secretary of War.

E. D. TOWNSEND,
*Adjutant-General.*

Official:

[General Court-Martial Orders No. 36.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
*Washington, April* 11, 1877.

I. Before a general court-martial, which convened at Fort Leavenworth, Kans., February 16, 1877, pursuant to Special Orders No. 18, dated January 29, and No. 25, dated February 7, 1877, Headquarters Department of the Missouri, Fort Leavenworth, Kans., and of which Col. J. C. Davis, Twenty-third Infantry, is president, was arraigned and tried.

* * * * * * *

II. Before a general court-martial which convened at Cheyenne, Wyo., February 5, 1877, pursuant to Special Orders No. 169, dated December 15; No. 171, dated December 20, 1876, and No. 3, dated January 8, 1877, headquarters Department of the Platte, Omaha, Nebr., and of which Col. John H. King, Ninth Infantry, is president, was arraigned and tried—

Second Lieut. Edward L. Keyes, Fifth Cavalry.

*Charge* I.—"Drunkenness on duty."

*Specification.*—"That Second Lieut. Edward L. Keyes, Fifth Cavalry, being on duty as acting assistant quartermaster of a detachment of the Fifth Cavalry, was found drunk at Sidney, Nebr., on or about November 6, 1876, while said detachment was loading on the railroad train."

*Charge* II.—"Violation of the 62d Article of War."

*Specification* 1.—"That Second Lieut. Edward L. Keyes, Fifth Cavalry, having been detailed as member of a board of survey (by S. O. No. 167, Hd. Qrs., Fort McPherson, Nebr., November 22, 1876), did neglect to perform his duties as member of said board. This at Fort McPherson, Nebr., on or about from November 22 to 30, 1876."

*Specification* 2.—"That Second Lieut. Edward L. Keyes, Fifth Cavalry, having been regularly detailed as officer of the day, at Fort McPherson, Nebr., did totally fail and neglect to appear at guard-mounting, or to perform said duty. This at Fort McPherson, Nebr., on or about November 30, 1876."

*Specification* 3.—"That Second Lieut. Edward L. Keyes, Fifth Cavalry, did, by the excessive use of intoxicating liquors, put himself in such a condition that he was unable to perform his duties; that he had to be placed under the surveillance of an enlisted soldier, and that he was a disgrace to the service. This at Fort McPherson, Nebr., on or about November 30, 1876."

*Additional charge.*—"Conduct unbecoming an officer and a gentleman."

*Specification* 1.—"In this, that he, Second Lieut. Edward L. Keyes, Fifth Cavalry, having, while in camp on Rawhide Creek, W. T., on the 15th day of July, 1876, tendered to his regimental commander, Col. Wesley Merritt, Fifth Cavalry, his pledge of honor to abstain for all future time from the use of intoxicating liquor, and having thereby induced the said Colonel Merritt to recommend the return of his, the said Lieutenant Keyes's, resignation of his commission, did, in violation of his pledge, become drunk from the use of liquor, on or about the following dates and at the following places: October 25 and 26, at Camp Robinson, Nebr.; November 6, 1876, at Sidney, Nebr."

*Specification* 2.—"In this, that he, Second Lieut. Edward L. Keyes, Fifth Cavalry, after entering into solemn obligations to the colonel of his regiment not to drink any kind of spirituous or intoxicating liquors, wine, or beer, at any time, whether on duty or not, while belonging to the regiment, and after stating to the colonel of his regiment that he (Keyes) knew total abstinence was his only salvation, and that he (Keyes) hoped the colonel of the regiment would have him watched, and proceed against him on the slightest evidence of his failing in his promises, did write to the colonel of his regiment as follows:

"'You may remember at Laramie I went to your tent one day and told you I was ready to do anything or promise anything in consideration of your kindness in withdrawing my resignation. You told me that all you required then was a promise not to drink during the balance of the scout; that you might require a paper of me after the scout was over.' * * * 'Your failing to require any other pledge or promise from me satisfied me that you were pleased with my conduct, and were willing to give me the benefit of another trial, free of promise.'

"All of which was false, and known to be false by the said Lieutenant Keyes, and written by him with the intent to deceive, misdirect, and mislead the mind of the col-

onel of his regiment. This at or near Fort McPherson, Nebr., on or about the 15
day of December, 1876."

To which charges and specifications the accused, Second Lieut. Edward L. Keye
Fifth Cavalry, pleaded as follows:

CHARGE I.

To the specification, "Not guilty."
To the charge, "Not guilty."

CHARGE II.

To the first specification, "Guilty."
To the second specification, "Guilty."
To the third specification, "Not guilty."
To the charge, "Guilty."

ADDITIONAL CHARGE.

To the first specification, "Not guilty."
To the second specification, "Not guilty."
To the charge, "Not guilty."

FINDING.

The court, having maturely considered the evidence adduced, finds the accu
Second Lieut. Edward L. Keyes, Fifth Cavalry, as follows:

CHARGE I.

Of the specification, "Guilty."
Of the charge, "Guilty."

CHARGE II.

Of the first specification, "Guilty."
Of the second specification, "Guilty."
Of the third specification, "Guilty."
Of the charge, "Guilty."

ADDITIONAL CHARGE.

Of the first specification, "Guilty."
Of the second specification, "Guilty."
Of the charge, "Guilty."

SENTENCE.

And the court does therefore sentence him, Second Lieut. Edward L. Keyes,
Cavalry, "to be dismissed from the service."

* * * * * * *

V. In conformity with the One hundred and sixth Article of War the records
proceedings of the general courts-martial in the foregoing cases of First Lieut. G
McM. Taylor, Twenty-third Infantry, Second Lieut. Edward L. Keyes, Fifth Ca
William C. Roundy, Eighth Infantry, and James H. Lane, Twenty-fifth Infa
have been forwarded to the Secretary of War and by him submitted to the Presi
who approves the proceedings, findings, and sentences in the cases of Lieuts. T
and Keyes, and directs the sentences to be duly executed. In the case of I
Roundy, the President approves the proceedings and findings, except the findi
to the first charge. The offense described in the specifications to this charge i
regarded as a violation of the Eighth Article of War, which is held not to app
returns of funds. The sentence is approved and will be duly executed. In the
of Second Lieutenant Lane, the proceedings, findings, and sentence are approved
the President is pleased to commute the sentence "*to suspension for one year*
*rank and from pay, except fifty dollars per month.*"

In approving the sentences of the above-named officers, the President directs
attention of the Army to be called to the fact that two of these officers have not
been guilty of drunkenness, but, in committing that breach of decorum and mili

discipline, they have deliberately broken pledges given by them as gentlemen, on previous occasions, in order to save themselves from trial for similar excesses.

If officers thus culpable could expect to retain their forfeited commissions, the high reputation which the Army has always held for honor and dignity, as well as integrity, would soon be a thing of the past. A third officer is convicted of defrauding the enlisted men of his company in the management of a trust-fund held by him for their benefit—an offense that calls for no comment further than the confirmation of the appropriate penalty of dismissal.

The sentence of Lieutenant Lane is mitigated in accordance with the recommendation of a majority of the members of the court and the department commander who ordered the trial, and upon the tender by the offender of his written pledge to abstain from the use of intoxicating liquor for three years. It is to be hoped that the youth and inexperience of this officer, which were regarded as an extenuation of his offense, will not prevent him from duly appreciating the leniency thus extended him, but that his future conduct will manifest that this clemency was not misplaced.

VI. The sentence in the case of First Lieut. George McM. Taylor, Twenty-third Infantry, will take effect April 25; of Second Lieut. Edward L. Keyes, Fifth Cavalry, April 28, and of Second Lieut. William C. Roundy, Eighth Infantry, May 2, 1877.

By command of General Sherman.

E. D. TOWNSEND,
*Adjutant-General.*

Thecommittee are of the opinion that the sentence of a court-martial dismissing an officer from the service for drunkenness is rarely, if ever, arrived at upon accidental or slight offenses. They recommend that the bill do not pass.

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50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1192.

# IN THE SENATE OF THE UNITED STATES.

MAY 3, 1888.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

# REPORT:

[To accompany bill S. 1603.]

*The Committee on Military Affairs, to whom was referred the bill (S. 1603) for the relief of Thornton Smith, having had the same under consideration, beg leave to submit the following report:*

Your committee having examined the record of Captain Smith as furnished by the War Department are satisfied that he has no equitable claim whatever against the United States, and therefore report the bill back to the Senate adversely and recommend its indefinite postponement.

The record from the War Department in this case is appended hereto.

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WAR DEPARTMENT,
*Washington City, April 4, 1888.*

SIR: In reply to your request of the 25th of February last for the views of this Department upon Senate bill 1603, Fiftieth Congress, first session, to pay to Thornton Smith, late captain and assistant quartermaster, United States Volunteers, such sum as may be found due him for services from April 30, 1864, to June 11, 1864, and for transportation by sea from New Orleans, La., to Washington, D. C., I have the honor to inclose a report of the 31st ultimo from the Adjutant-General of the Army, containing such information in this case as the official records afford.

It may be added that it is a question for Congress to decide whether Captain Smith is equitably entitled to such pay and transportation as the bill provides.

The papers inclosed with your communication are returned in accordance with your request.

Very respectfully,

WILLIAM C. ENDICOTT,
*Secretary of War.*

Hon. J. D. CAMERON,
*Of Committee on Military Affairs, U. S. Senate.*

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ADJUTANT-GENERAL'S OFFICE,
*Washington, March 31, 1888.*

SIR: I have the honor to return herewith Senate bill 1603 for the relief of Thornton Smith, late captain and assistant quartermaster of volunteers, which has been referred to the Department by the Senate Committee on Military Affairs.

The records on file give the following information in the case:

Thornton Smith received a commission as captain and assistant quartermaster of volunteers September 11, 1861, and in the following month entered on duty in Hooker's Division, Army of the Potomac. November 1, 1861, he was assigned as quartermaster of General Sickles's Brigade (Hooker's Division), and was relieved December 18, 1861. He appears to have been in Washington from December 25, 1861, to February 6, 1862, engaged, as he reported, in settling his accounts.

On the latter date he was arrested by order of General Sickles and taken to the headquarters of his brigade, and was shortly afterwards released from arrest by General Hooker, to enable him to settle his accounts. He was thus employed until March 25, 1862, when ordered by General Hooker to duty at Rum Point, Maryland, and after the removal of the troops and public property from that point in May, 1862, he came to Washington to see about his accounts, etc., then returned again to the headquarters of General Hooker for his approval and signature to papers, and afterwards came to Washington again, where he remained until the end of August "awaiting orders." In August Captain Smith was arrested, by order of General Halleck, for being in the city without authority. About this time the Quartermaster-General, finding that this officer was in the city unemployed, requested that he be ordered to duty with the chief quartermaster, Army of Virginia, and an order to that effect was issued from the War Department August 23, 1862, and Captain Smith was released from arrest. It appears that Captain Smith obeyed the order, and received verbal instructions to come back to Washington and report to General Hooker.

Early in September, General Halleck, finding the officer in Washington, and supposing he had remained in disobedience of the order of August 23, recommended his summary dismissal for absence from his command without authority, after first inquiring of the Quartermaster-General if he knew of any authority for Captain Smith's being in the city. The Quartermaster-General stated in reply: "He was not here by authority from me; but claims to have been under verbal instructions to settle accounts. He has failed to render his regular reports and thus been lost sight of. He has been of little service to the Government thus far."

An order summarily dismissing Captain Smith was issued September 5, 1862. He at once applied for revocation of the order of dismissal, on the ground that he had not been absent without authority, and cited verbal instructions from General Hooker and others. September 16, 1862, Judge-Advocate-General Holt reported on the application, referred to Captain Smith's record as given by the Quartermaster-General, and expressed the opinion that unless Captain Smith's statement as to his verbal instructions should be corroborated by the officers whose names he gave, the application ought to fail.

Subsequently, Captain Smith secured evidence that his statements as to the verbal instructions he was acting under were true, but his application for restoration remained pending without final action until February 16, 1864, when, upon the recommendation of the Judge-Advocate-General, the order of dismissal was revoked by the President, and by a War Department order of March 12, 1864, Captain Smith was ordered to report to the commanding general in New Orleans for duty in the Department of the Gulf. April 1, 1864, having reported at New Orleans, he was directed to report to the chief quartermaster for assignment, and by the latter was directed, April 5, to proceed to the front and report for duty. He repaired to the headquarters of the department at Grand Ecore, Louisiana, where, a few days later, on April 18, 1864, he tendered his resignation, not having entered on duty. May 2, 1864, he was granted a sick-leave of absence by the department commander, pending action on his resignation. He came North and remained absent until his resignation was accepted, June 11, 1864.

Under the law and regulations an officer can not be paid for any time he is not legally in the service, nor can he be allowed mileage nor transportation to his home upon his resignation. It is for Congress to decide whether Captain Smith is equitably entitled to such pay and transportation.

Very respectfully, your obedient servant,

R. C. DRUM,
*Adjutant-General.*

The SECRETARY OF WAR.

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TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
*Washington, D. C., December 29, 1887.*

SIR: Your claim for arrears of pay for services subsequent to restoration to duty, from April 30, 1864, to June 11, 1864, as captain and assistant quartermaster of volunteers, has been examined and disallowed. The action of this office has been approved by the Second Comptroller of the Treasury, to whom, according to law, all the papers were referred for decision.

Having been dismissed from the service you could not be restored except upon nomination by the President, and confirmed by the Senate. As this was not done you were not an officer of the Army during the period for which pay is claimed. The claim is therefore disallowed.

No discharge order was filed in this case.

Respectfully,

WM. A. DAY,
*Auditor.*

THORNTON SMITH,
*No. 2026 Thirteenth Street NW., Washington, D. C.*

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DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
*Washington, D. C., May* 2, 1887.

SIR: Herewith I inclose a copy of a letter of the Third Auditor of the Treasury, dated the 30th ultimo, stating that by special settlement your quartermaster's accounts have been balanced.

Very respectfully,

A. MCCUE,
*Solicitor.*

THORNTON SMITH, Esq.,
*Late Capt. and A. Q. M. Vols.,*
*No. 2026 Thirteenth street, Washington, D. C.*

50TH CONGRESS, 1st Session. | SENATE. | REPORT No. 1193.

# IN THE SENATE OF THE UNITED STATES.

MAY 3, 1888.—Ordered to be printed.

Mr. BATE, from the Committee on Military Affairs, submitted the following

## REPORT:

[To accompany bill S. 2608.]

*The Committee on Military Affairs, to whom was referred the bill (S. 2608) for the relief of Harrison Flora, ex-lieutenant Company D, One hundred and seventh Ohio Volunteers, report as follows:*

The record furnished by the War Department shows that Harrison Flora is not known to the rolls of said company as a second lieutenant, but as a sergeant, until September 3, 1864, when promoted to first lieutenant, and as such was mustered out September 10, 1865. A letter, February 29, 1888, from S. Meyer, colonel of said regiment, states that he recommended Harrison Flora for promotion to second lieutenant on March 5, 1863, and that no commission came from Governor Tod until he was promoted September 3, 1864, as first lieutenant and mustered as such; and that he was never mustered as second lieutenant.

In such case, the rolls, in the opinion of the committee, must govern in establishing the rank of an officer; and it would be a dangerous precedent, however meritorious the applicant, to legislate rank and pay upon oral testimony, especially after the lapse of nearly a quarter of a century.

The committee report against the passage of the bill.